

Proceeding/Serial No: 92048667

**Filed:** 07-13-2009

Title: Testimony Deposition of Morton Clayman;

with Exhibits

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STUART E. BECK, P.C.

July 10, 2009

#790202013

United States Patent and Trademark Office Trademark Trial and Appeal Board PO BOX 1451 Alexandria, VA 22313-1451

Re:

Jules Jurgensen/Rhapsody, Inc. v. Peter Baumberger Cancellation No. 92-048,667 622-05US

Dear Sir:

Enclosed for filing at the Patent and Trademark Office is the transcript of the testimony deposition of Morton Clayman along with exhibits taken on March 18, 2009 in accordance with the provisions of Rule 2.123.

Filing of this transcript was delayed due to difficulty of communicating with the reporter to get it corrected.

Kindly credit any overpayment or charge any underpayment of any fee to my deposit Account No. 02-1652. A duplicate copy of this letter is enclosed.

Very truly yours,

THE BECK LAW FIRM

Bv:

Stuart E. Beck

SEB:sb Encl:

Transcript of the testimony deposition of Morton Clayman along with exhibits taken on March 18, 2009

cc: Andrea Anderson, Esq w/ Enclosure

07-13-2009

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Jules Jurgensen/Rhapsody, Inc.,	)
Petitioner,	) Cancellation No. 92048667
v.	
Peter Baumberger,	
Respondent.	<b>,</b>

## CERTIFICATE OF SERVICE

The undersigned hereby certified that on July 10, 2009, the attached transcript of the testimony deposition of Morton Clayman along with exhibits taken on March 18, 2009, was served by first class or priority mail on the attorney for the respondent, Andrea Anderson, Esq. at

Andrea Anderson, Esquire Holland & Hart One Boulder 1800 Broadway, Suite 300 Boulder, CO 80302

Stuart E. Beck

IN THE UNITED STATES PATENT AND MARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JULES JURGENSEN / RHAPSODY, INC.,

: CANCELLATION NO.

: 92-048667

Petitioner,

: REGISTRATION NO.

- vs -

: 3181224

:

PETER BAUMBERGER,

Respondent.

ORIGINAL

Trial deposition of MORTON CLAYMAN, taken at the offices of Jules Jurgensen, 101 West City Avenue, Bala Cynwyd, Pennsylvania, on Wednesday, March 18, 2009, commencing at 9:54 a.m., before EMILIE S. POSNAN, Professional Reporter-Notary Public, there being present.

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7	By: MR.	BECK	6
8	By: MS.	ANDERSON	26
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10	EXHIBIT NO.	DESCRIPTION	PAGE
11	P-0001	The Jules Jurgensen Story	17
12	P-0002	Spreadsheet of Sale	24
13	P-0003	Invoice	24
14	P-0004	Brochure	25
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18	P-0008	Brochure	23
19	P-0011	Stock Purchase Agreement	10
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2	EXHIBIT NO.	DESCRIPTION	PAGE
3	P-0017	Application	12
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5	P-0019	Petition	16
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7	P-0021	Catalogue, 1997	20
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MORTON CLAYMAN, after having been 1 2 first duly sworn, was examined and testified 3 as follows: MR. BECK: We have agreed that 5 Mr. Clayman is going to sign the deposition and that all objections are going to be made 6 during the course of the deposition. 7 8 there anything else we have to cover? 9 MS. ANDERSON: I just need to put 10 one thing on the record. We are attending and cross-examining at this testimony 11 12 deposition under protest. Mr. Clayman wasn't listed in the petitioner's initial 13 14 disclosures or pretrial disclosures as a witness that would be testifying in this 15 matter. So we're going to go ahead and run 16 the deposition like we ordinarily would, and 17 then any issues about that we'll take up 18 with the Board afterwards, but I did just 19 20 need to get that on the record. 21 MR. BECK: My name is Stuart Beck and I'm the attorney for Jules Jurgensen / 22 23 Rhapsody, Inc., the petitioner, in this legal proceeding. This is a cancellation 24

1	proceeding under the jurisdiction of the
2	United States Patent and Trademark Office,
3	the Trademark Trial and Appeal Board. It's
4	Cancellation Number 92-048667, and the mark
5	and issue is Registration Number 3181224 for
6	Urban Jurgensen.
7	We're here today to take the
8	testimony deposition of Morton Clayman on
9	behalf of the petitioner, Jules Jurgensen /
10	Rhapsody. I should say that the respondent
11	is Peter Baumberger, B-A-U-M-B-E-R-G-E-R,
12	who is the owner of the registration for
13	Urban Jurgensen.
14	The first thing I want to put in
15	evidence is the notice of testimony
16	deposition which will be identified as
17	P-0027.
18	(At this time, a document was
19	marked for identification as Exhibit No.
20	P-0027.)
21	
22	DIRECT EXAMINATION
23	
24	BY MR. BECK:

1 Q. You're the Morton Clayman that's identified 2 in the notice of testimony deposition? 3 Α. Yes, I'm Morton Clayman. 4 By whom are you employed? Ο. 5 Jules Jurgensen / Rhapsody, Incorporated. A. Is it correct that you own the company? 6 Q. 7 Α. Yes. 8 Ο. And you're its president? 9 Α. Yes. 10 How long have you owned the company? Ο. 11 Since 1974. Α. 12 What business is the company engaged in? 0. Sale of watches and jewelry, different 13 Α. 14 jewelry items. 15 How long have you, individually or Q. 16 personally, been in the watch business? 17 Since 1957. Α. And what is your background and experience 18 Ο. 19 in that business? 20 Well, in the retail and wholesale sale and Α. 21 design of watches. 22 Now, over the years that you've been in the Ο. business of selling watches, have you attended trade 23 24 shows?

1	A.	Yes.
2	Q.	Do you read literature relating to the watch
3	industr	y?
4	A.	Yes.
5	Q.	Do you call on your customers who sell
6	watches	?
7	A.	Yes.
8	Q.	Do you call on potential customers to
9	persuade them to sell your watches?	
10	A.	Yes.
11	Q.	Does that include jewelry stores?
12	A.	Yes.
13	Q.	And watch specialty stores?
14	Α.	Yes.
15	Q.	Does it include department stores?
16	A.	Yes.
17	Q.	And do you discuss the watch industry with
18	your competitors?	
19	Α.	Absolutely.
20	Q.	Do you discuss the watch industry with your
21	custome	ers and potential customers?
22	A.	Yes.
23	Q.	And do you discuss the watch industry with
24	your su	appliers?

1	A. Absolutely.	
2	Q. And in the course of your activities in the	
3	watch industry, do you study brand names and which	
4	brand names are associated with which vendors?	
5	A. I do and try my best.	
6	Q. In the course of your activities in the	
7	watch industry, do you study ways to sell watches to	
8	customers and potential customers?	
9	A. Yes.	
10	Q. And is it true that you do this on a regular	
11	basis?	
12	A. Yes.	
13	Q. For how long have you done this?	
14	A. Since I've been in the watch business.	
15	Q. Would it be correct to say that you are	
16	knowledgeable about the sales and marketing of	
17	watches?	
18	A. I hope so, yes.	
19	MR. BECK: I move that Mr. Clayman	
20	be qualified as an expert in the sales and	
21	marketing of watches.	
22	BY MR. BECK:	
23	Q. How long have you, as Jules Jurgensen /	
24	Rhapsody, been selling watches under the	

MS. ANDERSON: I'm sorry; I need to 1 2 interpose an objection. I'm going to object 3 to the qualification of Mr. Clayman as an expert witness on issues related to the 4 5 sales of watches. Obviously, as a layperson, he is qualified to testify as to 6 7 matters within his personal knowledge that he's witnessed, but I don't know that we've 8 9 had a showing adequate of expert status in 10 this particular category. 11 Moreover, there hasn't been an expert report entered. Mr. Clayman has not 12 13 been identified as an expert either in initial disclosures or in pretrial expert 14 15 disclosures. Sorry for the long objection. 16 Please proceed, sir. 17 BY MR. BECK: How long have you, as Jules Jurgensen / 18 Ο. Rhapsody, been selling watches under the trademark 19 20 Jules Jurgensen? Since we purchased this, I think it was July 21 25th, 1974. 22 I'm going to show you a 40-page document 23 that has been previously marked as P-0011. 24

1	A. This is the purchase agreement when
2	Rhapsody, Incorporated, which I owned at the time,
3	acquired the business of Jules Jurgensen
4	Corporation.
5	MS. ANDERSON: Before you go on,
6	why don't I, just, now, for the record, so I
7	don't have to do it every time, I'm going to
8	enter an objection to P-0011 through P-0026
9	on the grounds that they were not timely
10	produced. They were produced on March 11th
11	after the close of discovery and even after
12	the opening of petitioner's testimony
13	period. So P-0011 through P-0026, just if I
14	can have that blanket objection entered so I
15	don't have to interrupt you every time.
16	BY MR. BECK:
17	Q. Would you turn to page 32, please. And
18	that's your signature on page 32?
19	A. Yes.
20	MR. BECK: And I'm going to offer
21	P-0011 in evidence and that's subject to
22	your objection.
23	BY MR. BECK:
24	Q. Now, I'm going to show you a 2-page document

1	that has been previously marked as P-0012, and it's
2	entitled Assignment of Trademark Registration, which
3	is dated July 25, 1974. Can you tell me what that
4	is?
5	A. That was the assignment of the trademark
6	registration from the Jules Jurgensen Corporation in
7	New York assigning it to Downe Communications.
8	Q. What was the relationship between Downe
9	Communications and Jules Jurgensen Corporation?
10	A. Well, they owned the corporation. Downe
11	Communications owned the corporation.
12	Q. They owned Jules Jurgensen?
13	A. Jules Jurgensen Corporation and Rhapsody,
14	Incorporated purchased the corporation from Downe.
15	MR. BECK: So I'm going to offer
16	P-0012 into evidence.
17	Now, at this point, I'm going to
18	put into evidence the trademark
19	registrations for Jules Jurgensen and Urban
20	Jurgensen and the application for Urban
21	Jurgensen and that's P-0013, P-0014, P-0015
22	and P-0016, P-0017 and P-0018.
23	MS. ANDERSON: If I may, I'm going
24	to note an objection on relevance grounds to

the expired registration which is identified 1 2 at P-0013. I also have the same relevance objection for P-0014; it's an abandoned application so it has no evidentiary value, 4 and also same relevance objection to P-0016, 5 the cancelled registration for Urban 6 7 Jurgensen, which, again, has no evidentiary value, and obviously, on top of the 8 9 objections that I voiced earlier as to the 10 timeliness of the production. MR. BECK: All of those 11 registrations and applications have 12 relevance with respect to the alleged first 13 14 date of use that they provide. MS. ANDERSON: No, actually, 15 they're not relevant. Statements made in an 16 application or registration are not 17 sufficient to prove an actual first date of 18 So they have no relevance, but 19 use. obviously, we can talk about that in front 20 21 of the Board. 22 BY MR. BECK: I want you to look at P-0016, which is 23 Q. cancelled U.S. trademark registration 2153240, for 24

1	Urban Jurgensen, and can you tell me what the
2	circumstances were surrounding the cancellation of
3	this registration?
4	MS. ANDERSON: I'm going to object
5	on relevance grounds to this testimony.
6	THE WITNESS: The cancellation?
7	BY MR. BECK:
8	Q. How did it get cancelled or why was it
9	cancelled?
10	A. We made a mistake. My attorney did not put
11	it in and I overlooked it at that time.
12	Q. Were you selling watches?
13	A. We've been selling watches since 1974, Jules
14	Jurgensen, and we've been selling Urban Jurgensen.
15	Q. Did you intend for this registration for
16	Urban Jurgensen to be cancelled?
17	A. Absolutely not.
18	Q. When did you learn that the registration had
19	been cancelled?
20	A. I don't recall on that. I don't have the
21	time that
22	Q. What did you do after you found that it had
23	been cancelled?
24	A. Well, I immediately when we found out

1	later on we'd been using it continuously. We'd
2	been using Urban Jurgensen.
3	Q. So, at some point, you re-filed the
4	application?
5	A. I don't recall exactly when we did it, but
6	according to here, we did it January 29th, 2005.
7	Q. Let me show you this application identified
8	as P-0017. That's the current application.
9	A. Well, we re-filed it on December 26th, 2007.
10	Q. What's the status of that application
11	presently; if you know? Is it being blocked
12	presently?
13	MS. ANDERSON: Stuart, I was okay
14	with the leading during the foundational
15	questions, but let's try not to lead,
16	please.
17	THE WITNESS: Well, I found out
18	that someone else had registered Urban
19	Jurgensen, and I found out it was filed by
20	Peter Baumberger, and this is the same man
21	that we had a problem with before that we
22	filed again and we re-registered it in
23	2007, we registered it.
24	BY MR. BECK:

1	Q. Now, I want to show you a 10-page document
2	that's been pre-identified as P-0019 and take a few
3	minutes to look at it.
4	A. I remember this. We I think
5	Mr. Baumberger tried to this was a deposition, I
6	believe. Was this a deposition here?
7	Q. It's identified on its face.
8	A. We petitioned to cancel the registration of
9	a mark Urban that Mr. Baumberger, was his name I
10	believe, tried to register.
11	Q. Were you successful in that petition?
12	A. We were successful, and I think that
13	Baumberger knew that we owned the Jules Jurgensen
14	name, and he knew that we owned the Urban name and I
15	think it was cancelled.
16	MR. BECK: I want to offer P-0019
17	into evidence, and I'm going to offer into
18	evidence at this point a 2-page document
19	identified as P-0020, which I personally
20	downloaded from the Website of the patent
21	and trademark office, and on its face it's
22	identified as the docket sheets on the
23	cancellation number 92021824, which is the

cancellation referenced in P-0019.

24

1	BY MR. BECK:			
2	Q. Now, I want you to take a look at P-0016,			
3	which is the cancelled registration of Urban			
4	Jurgensen, and P-0017, which is the pending			
5	application for Urban Jurgensen, and can you explain			
6	why P-0016 gives a first date of use of May 7th,			
7	1991, while P-0017 gives a first date of use of			
8	1974?			
9	A. Well, it was really a mistake, because in			
10	1974 when we purchased Jules Jurgensen, all our			
11	emphasis was on Jules Jurgensen. We did start using			
12	Urban, and then in 19 when we re-registered, we			
13	had a complete line of Urban Jurgensen. It was a			
14	mistake on my part.			
15	Q. Which is the correct date?			
16	A. 1974.			
17	Q. Now, I want to show you a multi-page booklet			
18	identified as P-0001, which on its face has the			
19	legend, The Jules Jurgensen Story.			
20	MS. ANDERSON: I'm going to object			
21	to the admission of this document on the			
22	grounds of hearsay to the extent that it's			
23	offered for any content in the document and			
24	to the extent that it's offered for truth,			

1	and I'm also going to object as to			
2	foundation insofar as the facts.			
3	MR. BECK: We haven't offered it			
4				
	for any purpose yet.			
5	MS. ANDERSON: Fair enough.			
6	BY MR. BECK:			
7	Q. Tell me what this is, please.			
8	A. This is the story of the Jurgensen complete			
9	family, and when I purchased it, the company, I got			
10	some of these booklets, and I redid them, and it			
11	shows a complete history of the Jurgensen family.			
12	And it's the Jules Jurgensen story. It's all part			
13	of one family. And in fact, the number one page, it			
14	has Urban Jurgensen.			
15	Q. What do you do with this booklet?			
16	A. Well, we give it to new accounts, and it's			
17	good for PR and people realize that this company's			
18	been around a long time.			
19	Q. Now, just open up to the last page with text			
20	on it. Who is that a picture of?			
21	A. That's me. That's when I was bar mitzvahed.			
22	MR. BECK: I'm going to offer			
23	P-0001 into evidence.			
24	MS. ANDERSON: I'm going to restate			
<ul><li>20</li><li>21</li><li>22</li></ul>	on it. Who is that a picture of?  A. That's me. That's when I was bar mitzva  MR. BECK: I'm going to offer			

my objection to the extent it's offered for 1 2 the content. BY MR. BECK: 3 Have you been selling Jules Jurgensen brand 4 Ο. watches since you purchased the company on July 25, 5 1974? 6 7 Α. Yes, I think so. Yes. In what territory are Jules Jurgensen brand 8 9 watches sold? Well, it's mostly in the United States, but 10 Α. 11 we are selling all over the world, too. Since you've had the company, how many Jules 12 Ο. 13 Jurgensen brand watches do you think you sold? 14 Α. I would say a minimum of a million. 15 Exactly, I don't know the exact amount. And other than your company, are there any 16 other sellers of Jules Jurgensen brand watches? 17 18 No. Α. 19 I'm going to show you a copy of a photograph 20 that's been previously identified as P-0006. you tell me what's illustrated in P-0006? 21 22 That's Urban Jurgensen. Α. 23 Where was the picture taken? 0. That's in my office. It was taken 11/29/07. 24 Α.

1	Q. And that's you in the picture in front of			
2	the bust?			
3	A. Yeah. That's the bust, which was given to			
4	me, was part of the agreement when we purchased			
5	Jules Jurgensen. This has been in my office since			
6	'74.			
7	MR. BECK: I want to offer P-0006			
8	into evidence.			
9	BY MR. BECK:			
10	Q. Now, I'm going to show you a booklet that's			
11	been identified previously as P-0021, and can you			
12	tell me what this is?			
13	A. That's one of our catalogues. I have the			
14	exact year. It was distributed in 1997. I looked			
15	this up. 1997.			
16	Q. Do you know about how many copies were			
17	distributed?			
18	A. About 50,000 when we made up the catalogues.			
19	MR. BECK: I want to move P-0021			
20	into evidence.			
21	BY MR. BECK:			
22	Q. Now, I'm going to show you a booklet that's			
23	been previously identified as P-0022. Tell me what			
24	that is.			

1 That was made in 2005, and that's a picture Α. 2 of Jules Jurgensen watches in a catalogue that we made up that year. 4 0. How many of these catalogues --5 That would be approximately 50,000. Α. 6 If you look at the back cover of the Ο. 7 catalogue, I'm going to call your attention to the 8 phrase "The House of Jurgensen," do you see that? 9 Α. Yes. 10 On whose instruction was that phrase added Ο. to the catalogue? 11 That was mine and --12 Α. 13 Why did you do that? Ο. Well, because we had so many different 14 Α. 15 names; we had Urban Jurgensen, Jules Jurgensen, A 16 Propos by Jurgensen, and I think there was another 17 one there, too. That's why we made The House of 18 Jurgensen. I'm going to show you a booklet that's 19 20 identified as P-0023, and can you tell me what that 21 is, please? Well, that's a catalogue that we made up for 22 Α. 23 2006, and approximately 50,000 were made that year,

24

too.

- Turn to the back cover, please, and do you 1 Q. 2 see the phrase, "The House of Jurgensen"? 3 Α. Yes. 4 Is that the same phrase that we spoke about? Ο. 5 That's exactly -- and I think people -- our Α. 6 customers got to know that we have all these 7 different names, brands, Urban Jurgensen, Jules 8 Jurgensen, A Propos by Jurgensen. 9 I'm going to show you another booklet Ο. 10 identified as P-0024. I'm going to give you P-0025 11 and P-0026. Tell us what they are. 12 These are all catalogues that we made each year, 2007, 2008 and 2009, and all of these we made 13 in The House of Jurgensen on the back, and 14 15 approximately 50,000 of each were sent out each 16 year. Look on the back of each of them, and do you 17 see the phrase "The House of Jurgensen" on the back 18 19 of each of them? 20 Α. Yes.
- Q. And is that the phrase that you've testified about previously?
- A. Yeah, because we were using -- we were selling the Urban, we were selling the Jules

- Jurgensen, we were selling JJ by Jurgensen, and we 1 2 were also selling Helbros; that's another line that 3 we have. How long have you been selling Urban 0. 5 Jurgensen watches? Since 1974. 6 Α. 7 Now, is Urban Jurgensen part of The House of Ο. 8 Jurgensen? 9 Α. Absolutely. 10 I'm going to show you a brochure which has Q. 11 been previously identified as P-0008, and can you tell me what this is? 12 13 This was a sales catalogue that we sent out 14 to all our retail customers, Urban Jurgensen, and it was The House of Jurgensen, we called it, the 15 16 brochure, and this was sent out to about 25,000 17 customers. In fact, the picture of Urban is on the 18 inside cover. Do you know how many retail outlets there 19
- Q. Do you know how many retail outlets there
  are for Urban Jurgensen watches?
- A. Well, the same amount as what we -- well, the retail on the Urban would be about 1500.
- 23 O. Where are they located geographically?
- 24 A. Mostly in the United States.

1 Ο. Now, I'm going to show you a 1-page document 2 that has been previously identified as P-0003, and 3 can you tell me what that is? 4 Well, this is an invoice for an Urban that Α. 5 was shipped to one of our customers. 6 Is that a typical invoice? Q. 7 Α. Yes. 8 Now, I'm going to show you a 21-page 9 document that's been previously identified at 10 P-0002. Can you tell me what that is? 11 Α. Well, this is a list of all Urban Jurgensen 12 that were shipped out from '99 for a couple years 13 here. 14 Q. Whatever the last year is on there? 15 Α. Yes. The total amount was for a couple 16 years, two or three years, invoices. 17 Actually, on its face, it says from 11/08/99 18 through 01/30/07. Now, this document commences on 19 November the 8th, 1999. Where is the sales 20 information prior to that day? 21 Α. Well, a lot of it's been destroyed. 22 can't keep every invoice here. 23 Now, I want to show you a photocopy of what Ο. 24 appears to be a brochure which has been previously

1	identified as P-0004. Can you tell me what that is?			
2	A. This was a brochure that we sent out. We			
3	had an old pocket watch here, and this was from 1881			
4	with the original warranty, and on the side it			
5	showed all our different brands, including Jules			
6	Jurgensen, Urban Jurgensen, A Propos by JJ, and our			
7	American brand, which is Helbros, since 1913.			
8	Q. And then I want to show you a copy of a			
9	photograph which has been previously identified as			
10	P-0005, and can you tell me what that is?			
11	A. This is an Urban Jurgensen and we made up a			
12	special line of chronographs which did very well			
13	under the name Urban Jurgensen.			
14	Q. I forgot to ask you, on P-0004, the brochure			
15	which had all of the brands on it, can you remember			
16	how many copies of that document were distributed?			
17	A. I would say about 25,000.			
18	Q. Do you remember over what period of time?			
19	A. I don't have the exact date.			
20	Q. Ballpark?			
21	A. One year. You mean the date that we shipped			
22	it?			
23	Q. About, in what year or years?			
24	A. I couldn't give you the exact year. I would			

1	say it's within the last ten years.		
2	MR. BECK: I have no further		
3	questions at this time. Everything is in		
4	evidence subject to your objections; is that		
5	correct?		
6	MS. ANDERSON: Well, you've offered		
7	them.		
8	MR. BECK: I don't have to		
9	specifically offer each item in, because if		
10	I do, I move everything in subject to your		
11	objections.		
12	MS. ANDERSON: Okay. Let's take a		
13	five-minute break.		
14			
15	CROSS-EXAMINATION		
16			
17	BY MS. ANDERSON:		
18	Q. Good morning, Mr. Clayman, my name is Andrea		
19	Anderson, and I represent Peter Baumberger, the		
20	respondent and the owner of the registration in this		
21	cancellation action, and I've got a few questions		
22	for you this morning.		
23	You've been in the watch business since		
24	1957?		

1	A. Yes.		
2	Q. What did you do before you bought Jules		
3	Jurgensen?		
4	A. I was in the diamond business.		
5	Q. You were in the diamond business?		
6	A. Yes.		
7	Q. As a retailer, wholesaler?		
8	MR. BECK: Can I just interject		
9	here? There was the Rhapsody Company; is		
10	that the diamond business?		
11	THE WITNESS: Jewelry, yes. We		
12	were in the diamond business, jewelry		
13	business and we sold to the retail jewelers.		
14	BY MS. ANDERSON:		
15	Q. Did you sell watches then, or no?		
16	A. Yes, we did sell watches.		
17	Q. Directly to retailers?		
18	A. Yes.		
19	Q. Tell me how that sale cycle goes, either		
20	back then or now, when you're selling watches to		
21	retailers. You mentioned earlier you call on your		
22	customers; correct?		
23	A. When I started out, I called on customers;		
24	that's correct.		

1	Q. How do y	you get a new account now?	
2	A. Right no	ow, I have salesmen.	
3	Q. About ho	Q. About how many?	
4	A. I think	all this is I'm objecting to	
5	this.		
6		MR. BECK: I object to that as	
7	confidential business information.		
8		THE WITNESS: I don't think it's	
9	part of	this	
10		MR. BECK: Is there more than one	
11	salesman?		
12	THE WITNESS: Yes, we have more		
13	than one.		
14	BY MS. ANDERSON:		
15	Q. So you l	nave salesmen, and what's their job?	
16	A. I don't	think I'm going to answer these	
17	questions.	questions.	
18		MR. BECK: You can answer the	
19	question	n.	
20		THE WITNESS: No, I'm not going to	
21	answer t	these questions. I don't think it	
22	has anyt	thing to do with the brand name here.	
23	3	MR. BECK: We're going to object to	
24	those qu	uestions, lack of relevance.	
	1		

1 THE WITNESS: I mean, if you want 2 to just talk, I'll answer questions that 3 have something to do with the brand name. 4 BY MS. ANDERSON: 5 Let me explain to you the relevance of the 6 question and Stuart can listen to the relevance of 7 the question and then you can talk amongst 8 yourselves and you can decide whether or not you're 9 going to answer the question. 10 The relevance of the question is, the way 11 that your products are sold, the way that any watch 12 is sold to a retail customer or a distributor, is a 13 factor that is very relevant to whether confusion is 14 likely between your marks and our client's marks. 15 That's just one of the factors that the Board 16 evaluates is the manner under which purchases are 17 completed and take place. So it is very relevant 18 information and we're entitled to --19 Α. I don't think 50 years ago it has anything 20 to do with Jules Jurgensen. 21 Ο. The question was in the present tense, 22 Mr. Clayman. 23 But you asked me before, you asked me what I 24 did before.

1 Ο. No. Mr. Clayman, with respect, I asked you 2 now, I asked you how do you go about making sales 3 now? 4 Α. Right now, I have salesmen that go out and 5 they sell. We have a catalogue and we get orders. 6 We have the salesmen bring in orders and we go to 7 shows. 8 Let's break that down a little bit. salesmen meet directly with buyers or retailers; is 9 10 that correct? 11 Retailers, wholesalers, wherever we can sell, we go. 12 13 And your bigger accounts, about how many 14 times will a salesperson call on those bigger 15 accounts? 16 I really don't know. They can call ten Α. 17 times. 18 Is that right? Ο. 19 Α. I mean, they can call twenty times and make 20 a sale or not make a sale. If your salesmen know 21 anything about selling, you go see these people, and 22 if you have to go back, you go back. 23 0. So that personal contact is a part of it 24 that you found in the jewelry business?

- 1 A. I would say yes.
- 2 Q. An important part of it?
- 3 A. I'd say yes.
- 4 Q. You said you go to trade shows. Which trade
- 5 shows do you go to?
- 6 A. We go to the jewelry trade shows.
- 7 O. And which are those?
- 8 A. You want me to give you a list of them?
- 9 Q. Just the ones you can remember off the top
- 10 of your head.
- 11 A. We go to Vegas. We go to Atlanta. They're
- 12 jewelry shows.
- 13 | O. And aside from --
- 14 A. Salesmen go. I don't go to every one. I
- 15 used to go.
- 16 Q. Who attends these shows on the buying side,
- 17 | what types of buyers?
- 18 A. I don't understand your question. What type
- of buyers? What do you mean "the buyers"? What are
- 20 the buyers?
- 21 Q. People who buy.
- 22 A. Well, people go. Did you ever go to a show?
- 23 People go to shows from the retailers or wholesalers
- 24 and they look at your line and they buy.

And so is that a significant part of the 1 Q. 2 contact that your sales folks have with their 3 potential customers is at these shows? I would say so. 5 Roughly, do you know how many they go to in Ο. 6 a year? 7 Pardon me? Α. 8 How many shows do your salespeople attend a Ο. 9 year? 10 How many shows? I would say, five, six. Α. 11 What kind of written materials do your Q. 12 salespeople share with customers or potential 13 customers? 14 Α. I don't understand that question. What kind 15 of written material? What does that got to do with 16 I don't understand your question. 17 You truly don't need to worry about what my Ο. questions have to do with anything. All --18 Well, I do, because the question doesn't 19 Α. 20 make sense. Then you can ask me to clarify the question. 21 Q. 22 I'm telling you the question doesn't make Α. 23 If your sales -- ask me that question again. sense. 24 Do your salespeople provide any printed Q.

1 materials about your products to your customers and 2 potential --3 Well, if you sell, if you have printed 4 material, absolutely, you have -- whatever printed 5 material you have -- we have catalogues. We told 6 you about our catalogues. 7 And the catalogues that we saw here today, 8 Mr. Clayman, are those the only kinds of printed materials that your sales reps will share with 9 10 accounts? 11 Α. I would say that's most of it, yes. 12 Ο. Do you mail out those catalogues in addition to distributing them through your sales folks? 13 Yeah, we do mail them. Every year we mail 14 Α. 15 catalogues out. 16 Do you do any other kinds of mailers to 17 customers or is it mostly just these catalogues? 18 Α. Maybe we have a special that we might mail 19 to a certain group. 20 Q. Describe the kind of accounts you sell to, 21 and I don't need to know names, but if you could 22 just give me a sense of the kind of accounts you 23 have? 24 Α. We have retail jewelry stores. We have some

- 1 department stores. We have catalogue houses.
- Q. Retail jewelry stores, catalogue houses,
- 3 department stores, any others?
- 4 A. I can't think of them right now.
- 5 Q. When we talk about department stores, what
- 6 sector of that market would you say? I mean, are we
- 7 talking about big boxes, like Target and Kmart, or
- 8 are we talking about high-end, like Neiman Marcus?
- 9 A. I don't want to reveal that.
- 10 Q. I'm not asking which --
- 11 A. Well, you are. We sell to department
- 12 stores, discount houses, department stores.
- 13 Q. What's a price point of your typical watch
- 14 at retail, or range of price point?
- 15 A. We have anywhere from \$100 to \$10,000.
- 16 Q. You have \$10,000 watches?
- 17 A. Yes.
- 18 Q. How many of those do you sell a year?
- 19 A. I don't think it's -- I don't think I will
- 20 reveal how many \$10,000 watches we sell.
- 21 | O. Well, I mean, it's relevant to the extent
- 22 that we're talking about the kinds of products that
- are sold by each of the parties.
- 24 A. I don't know where that has anything to do

1	with
2	Q. I appreciate that you don't and
3	A. Well, I don't
4	Q in trademark law who's a fantastic expert
5	
6	A I won't reveal how many we sell
7	Q rely on his judgement as to whether a
8	question is relevant, and even if he thinks it's not
9	relevant, you still have to answer, Mr. Clayman.
10	This will take so much longer if we go on
11	this way. If you feel like an answer is a trade
12	secret kind of answer, we've got a protective order
13	in place that would shield discovery of that
14	information even from my client. I would not even
15	be allowed to share it with my client as an order
16	from the Board?
17	A. What do you want to know?
18	Q. I want to know about how many \$10,000
19	watches you sell a year?
20	A. I object to the question. I don't want to
21	reveal trade secrets.
22	MS. ANDERSON: Stuart, could you
23	please explain the protective order to your
24	client.
1	

1	MR. BECK: It's between us. She's
2	not going to do anything with the
3	information. Peter sells very expensive
4	watches.
5	BY MS. ANDERSON:
6	Q. Mr. Clayman, I asked you earlier how many
7	\$10,000 watches your company sells a year
8	A. I really don't know exactly. I don't want
9	to give you an answer that's wrong, but we do have
10	\$10,000 watches.
11	Q. So do you know how many you sell a year or
12	do you not know?
13	A. I don't know how many we sold this year.
14	MR. BECK: Andrea, I see on the
15	back of the 2009 catalogue, P-0026, in the
16	lower left-hand corner there's a watch that
17	has a retail price of \$9000.
18	MS. ANDERSON: All right.
19	MR. BECK: There's a \$12,000 watch
20	on the back of the 2008 catalogue, P-0025.
21	BY MS. ANDERSON:
22	Q. With this refreshing of your recollection in
23	front of you, can you tell me about how many of the
24	model 6633 watches that are on the back of P-0025

1	you sold in 2008?
2	A. No, I don't know right now. I couldn't tell
3	you. I don't want to mislead you, but we have sold
4	them or we wouldn't have put them in the catalogue.
5	Q. Is it safe to say that it's not a big part
6	of your business?
7	A. I would say \$10,000 watches are not a big
8	part of my business; correct.
9	Q. Now, we were talking about the retail
10	outlets through which you sold and you said you sold
11	at discount houses. Do you sell at some of the
12	higher end department stores?
13	A. Well, what do you mean by high-end
14	department stores?
15	Q. Well, I'm actually more interested in your
16	sense of the thing.
17	MR. BECK: Let me just talk to my
18	client for just a second if that's okay?
19	MS. ANDERSON: I think that would
20	be a great idea.
21	(At this time, there was a brief
22	break in the proceedings.)
23	BY MS. ANDERSON:
24	Q. The question was, you told me that you sold

1	at retail jewelry stores, catalogue houses,
2	department stores, discount houses, and I'm asking
3	you to tell me which kinds of department stores you
4	sell at. Would you sell at the lower price point
5	department stores or the higher price point
6	department stores?
7	A. Well, what would you call JC Penney, is that
8	a low price or middle price category?
9	Q. If you don't mind telling me the department
10	stores, we won't have to quibble over high price and
11	low price.
12	A. We do not sell the high price, the high
13	line. We don't sell Barney's.
14	Q. Let me ask you this: In the years that
15	you've been selling through these channels, have you
16	ever seen any Urban Jurgensen watches by Peter
17	Baumberger sold in any of the same stores that you
18	sell in?
19	A. Absolutely not.
20	Q. We talked earlier about the range of price
21	points you sell in and you mentioned you had quite a
22	range of price points. Where would you say the bulk
23	of your sales are, at about what price point range?
24	A. I would say the Jules Jurgensen, \$150 to

1	\$200 range.
2	Q. How about the Urban Jurgensen watches?
3	A. Urban Jurgensen would be a little higher,
4	\$300 to \$400.
5	Q. Any reason for the higher price points for
6	the Urban Jurgensen?
7	A. Well, because we purposely made it a higher
8	price line. We didn't want to keep it the same
9	price as Jules Jurgensen.
10	Q. Let's turn now from your sales to retailers
11	to your knowledge about the buying experience of the
12	average retail customer for watches. Based on your
13	time in the jewelry business, is it your opinion
14	that consumers place a lot of importance on their
15	watch purchases?
16	A. Place a lot of importance on their watch
17	purchases?
18	Q. Is that not a clear question? Should I try
19	again?
20	A. It is not a clear question.
21	MR. BECK: You mean do they spend a
22	lot of time making the decision?
23	THE WITNESS: I don't understand
24	the question.
	I

1 BY MS. ANDERSON: 2 Q. Do you think that the purchase of a watch is 3 something that a consumer does casually without much 4 thought? 5 Some people do; some people don't. If it's Α. 6 a lower price watch, they don't take too much time. 7 It's a spur of the moment. And some people that 8 spend a little more on it, yeah, they'll take a 9 little more time. I don't deal directly with the 10 retail customer. I sell either to the storekeeper 11 or the buyer. 12 So over the years, you haven't gotten any 13 feedback from your customers about the kind of time 14 that each sale takes, like on the sales floor, for 15 example? 16 Α. No, I don't, no. 17 Most of the retailers you sell to, how do 18 they display your watches? Well, some people will -- most of the people 19 Α. will put them in the cases, boxed, and some of them 20 take it out of the cases. They have so much space 21 22 and that's it. 23 So if I'm hearing right, it's in a case Ο.

usually that a customer can't access alone; correct?

24

1 Α. The customer access alone? No, I don't 2 think -- the retail customer? 3 0. Exactly. 4 Α. I don't think they can. Usually, it's a salesperson helping the 5 Ο. customer out; correct? 6 7 Α. Yes. Have you gotten any feedback from your 8 9 retail customers about some of their customers doing price comparison shopping; do you find that a lot? 10 11 No, I don't. Α. 12 No, you haven't gotten that feedback? Ο. 13 Α. No. Do you encourage your retailers to provide 14 Q. any kind of training to their sales force on the 15 features of your watches? 16 17 Α. Do I personally? No. Do your salespeople or anyone working for 18 Ο. 19 you? 20 Α. I would say they do, they try to do, yes. Could you describe that for me? 21 Q. Right now, I don't do it, so I can't 22 Α.

Who directs these salespeople in their

23

24

describe it to you.

1 activities? 2 Α. The salesperson. 3 Who directs your salespeople in carrying out Ο. their duties with retailers? 4 I think each individual, they would go in 5 Α. 6 and try to help them, period. 7 Ο. So does the company encourage its 8 salespeople to educate retailers and their sales 9 staff on the benefits of your watches? 10 Well, they do the best they can to sell. Α. 11 0. And that would include going over the 12 features and the qualities of your company's 13 watches? 14 Α. Absolutely. That's how you sell. 15 Q. So that's an important part of basic sales presentations and training that your salespeople do? 16 17 I would say so, yes, they do the best they 18 can. 19 Let me ask you this: Have you ever heard of Ο. 20 a company called Stovard Jurgensen, S-T-O-V-A-R-D, 21 Jurgensen? 22 I think recently I saw an ad. I don't know Α. 23 if it was that -- we have that and we're looking it

over. Jurgensen, I think it was Jurgensen.

24

1	Q. What does that company sell?
2	A. I don't know. I said I thought I saw
3	something that had Jurgensen on it.
4	Q. You've never seen or heard of Stovard
5	Jurgensen watches?
6	A. No, I didn't hear of it, no.
7	Q. Have you licensed any companies to use the
8	Jules Jurgensen name?
9	A. Absolutely not.
10	Q. Have you licensed the Urban Jurgensen name
11	to any companies?
12	A. No.
13	Q. Who was Urban Jurgensen?
14	MR. BECK: I'm going to object to
15	that question. I don't understand the
16	purpose of it, whether it's relevant.
17	MS. ANDERSON: Well, it's relevant
18	insofar as we're talking about a live
19	individual
20	MR. BECK: We agree he's dead.
21	THE WITNESS: I would like to
22	answer that. Urban was the father.
23	BY MS. ANDERSON:
24	Q. The father of who?

1 Α. The father of Jules. No. He wasn't --2 Q. -- in your mind that Urban Jurgensen was a 3 living individual; correct? 4 No. Urban Jurgensen was the -- we have the 5 bust there and it's --6 And he was a watchmaker? 0. 7 Α. I think this questioning is ridiculous. 8 Ο. Mr. Clayman --9 I think it's ridiculous. Α. 10 You can think whatever you want to think Ο. 11 about it. You need to answer it. Was Urban 12 Jurgensen a watchmaker? 13 Α. I would believe he was a watchmaker. 14 started the watch. 15 Now, you said that most of your sales of Q. 16 Jules Jurgensen watches are in the United States; 17 correct? 18 Α. Yes. 19 Do you sell any abroad? Ο. 20 Α. Yes, we do. 21 Q. Where do you sell them? 22 Α. Well, we sell them in different countries, 23 and I don't know the exact countries. If you want, 24 we'll be very happy to tell you where we have sold

1	them outside the United States.
2	MR. BECK: Can you tell me what the
3	relevance of that question is to a domestic
4	proceeding such as we're in?
5	MS. ANDERSON: Can I tell you the
6	relevance? I'm just curious in the channels
7	of trade that this product moves in.
8	BY MS. ANDERSON:
9	Q. Do you sell Urban Jurgensen watches outside
10	the U.S.?
11	MR. BECK: I'm going to ask him not
12	to answer that question. You can ask him
13	what the channels of trade are in the United
14	States.
15	BY MS. ANDERSON:
16	Q. What are your annual sales of Jules
17	Jurgensen watches today in the U.S.?
18	A. That's personal.
19	MR. BECK: He's already testified
20	that millions of Jules Jurgensen watches
21	have been sold.
22	MS. ANDERSON: Well, he said about
23	a million. And what I want to know is the
24	dollar volume, which is an absolutely
- 1	

1 discoverable fact. I mean, come on, Stuart, 2 you know that. If he wants to do it 3 pursuant to the protective order, that's 4 All I'm asking are round numbers in 5 sales, very simple, annual sales. I'm happy 6 to put that answer at any level of the 7 protective order that you like. 8 MR. BECK: He doesn't want to tell. 9 MS. ANDERSON: That's fine, but he 10 has to. 11 MR. BECK: Well, I guess you're 12 going to have to file a motion to compel. 13 BY MS. ANDERSON: Is that your final answer, as they say, 14 0. 15 you're not going to answer that question? 16 Α. I will not answer that question at this 17 time. 18 I'm going to ask you a series of questions 19 and if every question you're going to refuse to 20 answer on the grounds of whatever ground it is 21 you're refusing to answer, then you need to state 22 that for the record because I'm going to have to go 23 to the Board and ask the Board to compel you to 24 testify to these facts and we're all going to be

1 back here all over again. And you're going to be 2 paying Stuart to sit there and paying the court 3 reporter and I'm going to be getting up at 8 in the 4 morning again, and we're going to do this all over 5 again. That's your choice. If you want to do that, 6 that's fine. 7 I would advise you that perhaps you should 8 give this information subject to the protective 9 order such that I could not disclose it to my 10 client. Obviously, you can take the position you 11 want and feel like you have to take. 12 MR. BECK: We want to go off the 13 record. 14 (At this time, there was a brief 15 break in the proceedings.) 16 BY MS. ANDERSON: 17 Mr. Clayman, can you tell me what your 18 annual sales of Jules Jurgensen watches were in 2008, approximately? 19 20 I'm going to give it to you this way: Over 21 the years, our sales have run anywhere from \$25 million to \$4 million. 22 23 I missed that last number? Ο. 24 I said 4 million to 25 million. Α.

- 1 Q. And that's in just Jules Jurgensen branded products?
- A. No, that includes other lines, mostly Jules
  Jurgensen.
- 5 Q. So when you say "over the years," you mean
- 6 from 1974 until now?
- 7 A. Right.
- 8 Q. Where are we in that spectrum now, roughly?
- 9 A. I don't know the exact figures.
- 10 Q. I don't need to know the exact figures.
- 11 Above 10 million in sales now, Mr. Clayman?
- 12 A. Approximately 4 million.
- Q. Your sales now are approximately 4 million?
- 14 A. Right.
- 15 Q. About what percentage of that 4 million in
- 16 current annual sales is in Urban Jurgensen watches?
- 17 A. I can't tell you right now. That I do not
- 18 know exactly.
- 19 Q. So your testimony earlier was that the
- 20 majority of your sales are in Jules Jurgensen
- 21 branded watches?
- 22 A. Yes.
- 23 Q. Is it safe to say that more than 70 percent
- of your sales are in Jules Jurgensen watches?

- 1 A. I really can't give you the exact figure 2 right now.
- 3 Q. I'm not asking for exact --
- 4 A. But I don't want to give you the wrong
- 5 answers.
- 6 Q. Fair enough, and all I'm asking you is, if
- 7 | you're comfortable saying that while you don't know,
- 8 you're pretty sure that it's more than 70 percent;
- 9 that's my question.
- 10 A. I still don't know.
- 11 | 0. So somewhere between 50 and 70 percent,
- maybe more, of your sales are in Jules Jurgensen
- 13 | watches?
- 14 A. It may be.
- 15 Q. Has that 4 million in total sales stayed
- 16 constant for the last five years, gone up, gone
- 17 down?
- 18 A. The last year was a very poor year.
- 19 O. I think you're probably in good company on
- 20 that. So the answer is 2008 sales were down from
- 21 2007?
- 22 A. Yes.
- 23 Q. So when did you begin selling Urban
- 24 Jurgensen branded watches?

- 1 A. In 1974. I don't know exactly what year,
- but we didn't sell a lot of Urban Jurgensen.
- 3 Q. So you sold Urban Jurgensen watches in 1974?
- 4 A. 1974, during the year, we sold some, and
- 5 during the time I owned Jules Jurgensen, we
- 6 increased the sales.
- 7 Q. When you say you sold some in 1974, about
- 8 how many?
- 9 A. I couldn't tell you. That's 40 years ago.
- 10 Q. Can you tell me was it two or three watches
- 11 that you were bringing out on a demo basis or did
- 12 | you order a shipment in?
- 13 A. I really don't know. You're asking me to
- 14 tell you something and I can't be a hundred percent
- 15 sure. It's 45 years ago.
- 16 Q. Was there ever a period that you hadn't sold
- 17 Urban Jurgensen watches since 1974?
- 18 A. What was that again?
- 19 Q. Has there ever been a period that you didn't
- 20 sell Urban Jurgensen watches since 1974?
- 21 | A. You mean any year that I didn't sell them?
- 22 Q. Yes.
- 23 A. I think every year I sold some.
- 24 Q. Do you offer Urban Jurgensen watches for

1	sale now?
2	A. Yes.
3	Q. How do you market those?
4	MR. BECK: Do you want to be more
5	specific, please?
6	BY MS. ANDERSON:
7	Q. Through what media and/or printed
8	publications do you advertise the sale of your Urban
9	Jurgensen watches?
10	A. Through the catalogue.
11	Q. Now, correct me if I'm wrong, none of these
12	catalogues we've seen here this morning, except for
13	the one, P-0008, actually show Urban Jurgensen
14	watches; is that correct?
15	A. It may not show it, yes.
16	Q. Which catalogues were you referring to when
17	you say that
18	A. Well, we have another catalogue. People
19	know that if we want to sell a better watch, we
20	don't sell a lot of them, and that's why they know
21	that Jules Jurgensen and Urban Jurgensen are made
22	from the same company. Same company makes them.
23	Q. So my question was, what publications or
24	advertisements do you have for Urban Jurgensen

watches?
A. We don't do much publication.
Q. So the only publications that you're aware
of for Urban Jergensen watches that you produce is
the piece that I saw today, P-0008?
A. And what we have in stock and what we talk
about, and if we want to sell a little better watch,
we tell them, yes.
Q. Why don't you promote them in your
catalogue, in your annual catalogue? Why don't you
promote Urban Jurgensen watches in your annual
catalogue?
A. We feel we can do more business with Jules
Jurgensen. If we want to sell a high price piece,
we'll make it up for Urban Jurgensen.
Q. I don't think I understand your answer.
A. We don't sell as many Urban Jurgensen and
it's a higher price watch.
Q. Is there a reason that you don't offer them
in your catalogue?
A. Well, we just have so much money, everything
we have to reserve. We do sell Urban Jurgensen.
We've been selling them since 1974, and we're still
going to sell them and we have been selling them.

- 1 Q. How many do you have in your inventory right
- 2 now?
- 3 A. That I don't know. Not a lot. We don't
- 4 have to have a lot.
- 5 Q. Why is that?
- 6 A. Because we don't want to carry big
- 7 inventory.
- 8 Q. About how many do you order a year from your
- 9 manufacturer of Urban Jurgensen branded watches?
- 10 A. I couldn't give you an answer right now.
- 11 Q. Do you have a sense of how many Urban
- 12 Jurgensen branded watches you sold in 2008?
- 13 A. I don't have the exact amount but we did
- 14 sell them.
- 15 Q. More than a hundred, fewer than a hundred?
- 16 A. I really don't know. I can't give you an
- 17 exact answer, but we have sold them.
- 18 Q. And are Urban Jurgensen watches featured on
- 19 | your Website?
- 20 A. I don't think we're featuring them on the
- 21 | Website.
- 22 | Q. Why not?
- 23 A. We can only carry so much inventory.
- Q. Let's look at P-0008, the brochure that was

the Urban Jurgensen brochure, about what year was 1 2 this put out? 3 I'd have to look it up. It was a few years 4 back. How many print runs did you have of this 5 Ο. 6 particular brochure? 7 I don't know exactly. I would say 15 to 25,000. I don't know exactly. 8 MR. BECK: He already testified 9 10 25,000. MS. ANDERSON: I apologize. 11 BY MS. ANDERSON: 12 Where did you circulate these brochures? 13 Ο. We mailed them out to the retail jewelers. 14 Α. And did you only do a single printing of 15 15 Ο. 16 to 25,000 of these? 17 Α. At this time, yes. And that's the only printing that you've 18 Ο. ever done of this brochure? 19 20 Of this brochure, yes. Α. And you've done no other printings of 21 0. brochures or catalogues --22 We have done other printing but not like 23 Α. this. 24

1 0. But in your other annual catalogues, at 2 least since -- certainly in the catalogues that you 3 produced to us, there are no Urban Jurgensen 4 watches? We didn't put them in there, absolutely. 5 Α. Let's look at P-0011. That's the stock 6 Ο. 7 purchase agreement between your company, Rhapsody, Inc., in which you essentially purchased Jules 8 9 Jurgensen; correct? 10 Α. Right. 11 And that stock purchase agreement, and also Ο. 12 the attached assignment, P-0012, nothing in that 13 document conveys any interest in the Urban Jurgensen 14 mark; correct? 15 Α. It said nothing about -- no, it didn't say 16 anything about Urban Jurgensen. 17 You're right. And then the assignment of Ο. trademark registration, P-0012, that only dealt with 18 19 the Jules Jurgensen trademark; correct? 20 A. Yes. 21 Not the Urban Jurgensen. In your discussion 22 with Downe Communications, the seller, was there 23 ever any mention that Downe had any sort of rights 24 in the mark Urban Jurgensen?

1	A. That's 45 year ago. We did get the bust of
2	Urban Jurgensen it's 35 years ago; I'm sorry.
3	But we did go get the bust of Urban Jurgensen. Why
4	would they have the bust of Urban Jurgensen?
5	Q. Well, the thing about these deals is I get
6	to ask the questions and you have to answer. Just
7	to be clear, I'm not asking you to recall anything
8	you don't recall. I'm just asking you what you
9	recall. If you don't recall, you don't recall, and
10	that's fine.
11	So there was no conversation about any
12	rights in Urban Jurgensen that you can remember;
13	correct?
14	A. The only rights that I assumed when we
15	bought Jules was the rights to the Jurgensen name,
16	all the rights of Jurgensen.
17	Q. Can you point to me in either of those
18	documents, P-0011 or P-0012, where any right in the
19	Jurgensen name was
20	MR. BECK: Well, I don't think he
21	has to do that.
22	MS. ANDERSON: He just said the
23	rights were conveyed, so I want to know what
24	the basis of that

1	MR. BECK: If it's in the document,
2	it's in the document. You can ask about
3	conversations that took place at that time,
4	but as far as the documents are concerned,
5	the documents are there for anyone to read
6	and to interpret as they choose.
7	BY MS. ANDERSON:
8	Q. And I'm asking you, Mr. Clayman, if you are
9	aware of any place in these documents where the name
10	Jurgensen standing alone was conveyed to you?
11	A. I don't recall.
12	Q. When you completed this transaction in 1974,
13	were you aware of any use of the Urban Jurgensen
14	mark in Europe by Peter Baumberger or anybody else?
15	A. Peter Baumberger did not have it then when I
16	purchased it.
17	Q. Or anybody else?
18	A. No, in fact
19	Q. You are not aware, at all, of any use of the
20	mark Urban Jurgensen on watches in 1974?
21	A. We have the trademark in Europe of
22	Jurgensen.
23	Q. I'm sorry?
24	A. We have the trademark in Europe of Jurgensen
i	

- 1 without Jules Jurgensen. 2 Ο. Who did? Α. We have it. But my question to you is, were you aware, 4 Ο. 5 at the time you purchased these assets in the stock purchase agreement and took the assignment in 1974, 6 7 were you aware of anyone else using the mark Urban 8 Jurgensen on watches? 9 Α. Nobody else used -- no. 10 Did the seller, Downe Communications, Ο. 11 indicate to you that it somehow had a clear title in 12 the Jules Jurgensen name all the way back to Jules 13 Jurgensen, himself? 14 I don't know that. Α. 15 Ο. Did you take any steps to verify that the person that was reportedly assigning you the Jules 16 17 Jurgensen name actually had the right and the permission to use that mark all the way back to 18 19 Jules Jurgensen? Well, we had the registration in Switzerland 20 Α. 21 of Jules Jurgensen and Jurgensen we had.
- 22 Ο. But my question is, at the time you 23 purchased these assets in the stock purchase agreement and took the assignment of the trademark 24

1	registration of Jules Jurgensen, did you do anything
2	to verify that the seller, Downe Communications,
3	had, for lack of a better word, I'll call a clear
4	chain of title, in the Jules Jurgensen mark back to
5	the actual person, Jules Jurgensen?
6	MR. FEDERMAN: Let's just go off
7	the record for a minute.
8	(At this time, there was a brief
9	discussion held off the record.)
10	BY MS. ANDERSON:
11	Q. Mr. Clayman, in 1974, when you purchased the
12	assets from Downe Communications, which included
13	this assignment of the trademark registration, did
14	you do anything to satisfy yourself that Downe
15	Communications had what we'll call a clear title to
16	the Jules Jurgensen mark going back to the actual
17	individual, Jules Jurgensen?
18	A. I had legal counsel. He did whatever was
19	necessary. We dealt with a very ethical law firm in
20	New York, and I assumed everything was correct,
21	period.
22	Q. But you have no personal knowledge of steps
23	that were taken to verify
24	A. No, I didn't have any personal steps. I

1	agreed with everything my lawyer told me.
2	Q. But you had no personal knowledge of what
3	your lawyer did?
4	A. No.
5	MS. ANDERSON: And I just want to
6	state for the record we have a Mr. Ken
7	Federman, F-E-D-E-R-M-A-N, counsel for the
8	corporation, who has been with us for the
9	entire deposition?
10	MR. FEDERMAN: No, I came in
11	approximately a half hour after it started.
2	MS. ANDERSON: And just when we
3	went off the record now was the first
14	indicator that I had that Mr. Federman was
15	in the room or joining our deposition, but I
16	just wanted to make clear that he was here.
7	MR. FEDERMAN: I'm here.
8	BY MS. ANDERSON:
9	Q. Now, I'm going to apologize if I've asked
20	you this before; I don't have it checked off, so I'm
21	going to ask, did Downe Communications, at the time
22	that you were negotiating this stock purchase
23	agreement and assignment of trademark, represent
24	that it had any rights in the mark Urban Jurgensen?

1 Α. Not that I knew, no. I only assumed that 2 anything had to do with the Jules Jurgensen, 3 Jurgensen name because they were -- wait just a 4 In the agreement it has that they send me 5 the frame of the picture of Jules Jurgensen and the 6 bust of Urban Jurgensen, so I assume that Urban 7 Jurgensen was part of the agreement. 8 From the bust, you inferred there were 9 trademark rights? 10 Α. Well, that's what I -- it's in the 11 agreement, yes. Are you aware of -- now, I asked you before 12 0. 13 if Downe represented that they had any rights in 14 Urban Jurgensen for watches. I'm now going to ask 15 you, are you aware of Downe using the mark Urban 16 Jurgensen on watches? 17 I'm not aware of that, no. It's a long time. 18 Mr. Clayman, do you remember attending a 19 20 similar testimony deposition in a case involving the 21 mark Urban a few years ago? 22 Α. Yes. 23 And you testified in that case; correct? Ο. 24 Yes. Α.

- 1 And you were under oath just like you are Q. 2 now here; right? 3 Α. Yes. Do you remember being asked when you began 4 Ο. 5 selling Urban Jurgensen branded watches? Do I remember? No, I really don't. 6 Α. 7 And you don't remember testifying that your Ο. 8 first sale of Urban Jurgensen branded watches was in 9 1991? No. I might have -- I really don't 10 Α. 11 remember, no. You don't remember? 12 Ο. 13 Α. No. But it's your testimony here today, under 14 Ο. 15 oath, that you first sold Urban Jurgensen branded 16 watches in 1974? I don't know how many, but we did sell some 17 Urban Jurgensen over the years starting in 1974. 18 And did you sell them continuously every 19 Ο. 20 year since 1974 until now? We didn't sell a lot of them during that 21 time but we did sell them. 22

that's a spreadsheet of sale. Could we just go

23

24

Ο.

Mr. Clayman, could you look at P-0002;

1 through what each of those columns means, what each 2 of those headings at the top, not the "Quick and 3 Dirty" -- well, why don't you tell me what "Quick 4 and Dirty Who Bought It" --5 Α. You want me to have somebody else testify. 6 I don't take care of the books. 7 0. Well --There's different accounts that bought them, 8 9 and it's -- if you want to read it, you can read it. If you want me to go through every one, I don't know 10 11 every account. 12 Let's just talk about the column headings. On the far left, I could probably figure that out, 13 14 Invoice, under that it's probably the invoice 15 number; correct? 16 Α. Right. 17 And the date, that would be the date that Ο. 18 the invoice was printed; correct? Is that right; the date the invoice was printed? 19 Well, I think it's right. 20 Α. That's what that column is intended to 21 Ο. 22 signify? 23 I believe it's right. Α. 24 So then if we look at the first set of Ο.

- numbers under the word date, 11/08/99, that would 1 mean November 8th, 1999; is that correct? 2 3 I would say it's correct. 4 And then Customer Number, you must assign Ο. some kind of unique numbers to every customer; 5 6 correct? 7 Α. Correct. 8 And then Customer Name is next; that's 9 self-explanatory. I see that, at least in my version, it's redacted. Tell me what that SM in the 10 11 next column is for? 12 I don't know myself. Α. 13 Q. Well, as I look under it, I see the first 14 one says JJ. What would that stand for? 15 Α. I don't know. 16 Q. JJ, RS, CF? 17 Α. I don't know. 18 Q. What does the gold mean? 19 Α. The gold was the gold of the day. 20 Q. What does that mean? 21 Α. It means what the gold price was at that
- Q. Because your watches are -- these are all watches made of gold?

22

date.

- A. No. At that time, the gold would be plating and everything else. We kept records of what the price of gold was.
- Q. So that would be that day's price for an ounce or what?
- 6 A. It's what it is an ounce, yeah.
- 7 Q. And next is Style Number?
- 8 A. Yes.
- Q. Do those numbers correspond to the numbers that I've seen on your catalogues? For example, I just picked one up randomly, P-0022, and I look at the back of it and I see some numbers above the prices, 6422, 6633; is that what this number here under style number corresponds to?
- 15 A. That's what it looks like; doesn't it? I

  16 mean, you see it.
- Q. Mr. Clayman, I'm not the expert and certainly not the president of the company that would know.
- 20 A. I'm sorry, but I'm not the bookkeeper.
- Q. Well, I'm asking you, in your knowledge,
  does the style number here on this spreadsheet
  correspond to the numbers on your catalogues for
- each watch so that I could cross reference here

- 1 between this spreadsheet and one of your catalogues?
- 2 A. Well, if it's the same number, then that
- 3 would be yes.
- 4 Q. Was that answer yes?
- 5 A. Yes.
- 6 Q. And on the end, there's a number followed by
- 7 UJ, does that UJ have any significance?
- 8 A. That's Urban Jurgensen.
- 9 Q. So that's how you can be sure that every
- 10 | sale or every invoice listed on here was a sale of
- 11 Urban Jurgensen watch because it has that suffix of
- 12 UJ under the style number?
- 13 | A. Yes.
- 14 Q. How far back do you keep sales records, and
- 15 by records I just mean --
- 16 | A. A couple years.
- 17 Q. How about reports like this; how far back
- 18 can you run those?
- 19 A. I don't know. I really don't know.
- 20 Q. Let me ask you this about the spreadsheet,
- 21 if we move from the beginning to the end, and the
- 22 beginning being the oldest dates and the end being
- 23 the newest dates, I seem to sense that some of the
- 24 prices are dropping; is that true? Are you

1	discounting the Urban Jurgensen line more than you
2	did back in '99?
3	A. I don't recall.
4	MR. BECK: What do you mean
5	"discounting"?
6	BY MS. ANDERSON:
7	Q. Well, are they sold at a lower price point
8	now than they were back then?
9	A. We might have sold some stuff at a lower
10	price.
11	MR. BECK: I'm not sure that I
12	agree with you. Just looking at page 20 out
13	of 21
14	MS. ANDERSON: Stuart, this is not
15	your testimony. That is absolutely not
16	appropriate. I'm asking this witness a
17	question, and it is completely inappropriate
18	for you to offer fact.
19	THE WITNESS: I don't know whether
20	we reduced the price or not. We may have
21	reduced a few watches, gave them a different
22	price. I think it's immaterial here. And
23	some of the watches are even at a much
24	higher price, \$400.

- 1 BY MS. ANDERSON: 2 About how many shipments of Urban Jurgensen Ο. 3 watches do you get in a year? 4 Α. I really couldn't tell you. I don't know. 5 How many shipments of watches do we get? 6 Q. Yes. 7 Α. From who? 8 Ο. Well, I should back up. Do you manufacture 9 Urban Jurgensen watches? 10 Α. No, we don't manufacturer them here. 11 How do you receive Urban Jurgensen watches? Q. 12 When we order them, we have them made up. Α. 13 Do you order them from a manufacturer? Ο. 14 Α. Well, we would get different parts and sometimes we would assemble them. We had a factory 15 16 in the Islands. We buy the dials, the hands and put 17 them together. 18 So you don't get them ready-made? Ο.
- 19 A. Some we do, yes.
- 20 Q. What kind of inventory have you been
- 21 carrying in those watches for the last few years?
- 22 A. Very little inventory, as little as we
- 23 possibly can.
- Q. Can we look at P-0004? Mr. Clayman, I

1	believe you testified earlier that what we're
2	looking at, P-0004, is a brochure; correct?
3	A. Yes.
4	Q. I'm a little confused by that because, as I
5	look at it, it looks more like a printout of an
6	Internet Website. For example, when I look down at
7	the bottom, I see an Internet Website domain name,
8	such as is usually printed when you print a screen
9	shot of a Website. Is that on your copy?
10	A. This I don't know exactly
11	THE WITNESS: Do you have the
12	original of this?
13	MR. BECK: No. This is what you
14	gave me.
15	BY MS. ANDERSON:
16	Q. When I look at the left margin, Mr. Clayman,
17	I see a drop down bar that says, Home, About Us,
18	Products, Find a Retailer, Contact Us, Log In.
19	A. I can't give you on this one, it's very
20	hard to I don't have the original. And I can't
21	give you a good answer on this.
22	Q. So you don't know whether this was a
23	brochure or a printout off your Website?
	l seconde of a prince as off four woodles.
24	A. I don't know, but I know we kept all these

1 -- these are different lines. This was an old --2 this was an old Jules Jurgensen pocket watch from 3 1881. I really don't know. I can't give you a good 4 answer on that. 5 Ο. I'm going to back up and ask a couple of questions about P-0008, the little Urban Jurgensen 6 brochure. Do you still have any of those in 7 8 inventory? 9 Yeah, we may have some. They didn't do Α. I'll be very honest. 10 great. Do you regularly distribute them today? 11 0. Do we regularly -- no, we don't regularly 12 distribute all these. We don't have them all. We 13 14 have some. We probably are closing out some of 15 them. 16 Ο. Why is that? Well, because they're not selling that 17 18 great. Just because they're a higher price point or 19 is there another reason? 20 21 Well, it may be a higher price point. 22 don't know what the reason is. Do you recall when the last time any of 23 Ο. 24 these were sent out?

- 1 Α. The brochures? 2 Ο. Yes. 3 We will send them out -- I really don't 4 Maybe within the last year. I don't know how 5 many. We didn't send out quantity, but we would 6 send out a couple dozen. When we send the other 7 brochures, we'll put these in, too. But we're 8 really very -- we don't have too many left. 9 You said it was several years ago that you Ο. 10 put together this Urban Jurgensen brochure, like in 11 the 1990s, do you think? 12 I'll tell you exactly when it was. 13 distributed in 2000, so it's about nine years ago, 14 and we've used this over the years. 15 I'm sorry; you said it was distributed in Ο. 16 2000? Yeah, in 2000, and we've used it over the 17 Α. 18 years. 19 What did you refer to to come to that Ο. conclusion that it was distributed in 2000? 20 21 What do you mean? I don't understand your Α. 22
- 23 Ο. Did you just pull that out of your head or 24 did you have that written down somewhere?

questioning.

1	A. I checked it out before we came to the
2	meeting.
3	Q. Are you referring to notes to do that?
4	A. Yes. I just referred to the notes. I
5	looked it up.
6	MS. ANDERSON: Stuart, I'm going to
7	want a copy of all the notes that
8	Mr. Clayman is using during this deposition.
9	MR. BECK: Okay.
10	BY MS. ANDERSON:
11	Q. So when you put this brochure out, were you
12	aware of any other uses of Urban Jurgensen on
13	watches?
14	A. What was that question again?
15	Q. When you put this brochure out in the year
16	2000, were you aware that anyone else was selling
17	Urban Jurgensen branded watches?
18	A. Absolutely not.
19	Q. In 2000, you weren't aware of any other
20	Urban Jurgensen watches; is that your testimony?
21	A. Well, I don't recall whether I know that
22	Mr. Baumberger had the registration for Urban
23	Jurgensen in Switzerland, but he didn't have
24	anything in the United States. Now, I don't recall.

- 1 I think at that time he had it. I don't know how
- 2 long he had it.
- 3 Q. Did you know that he was selling watches?
- 4 A. Sure I knew it. I saw it in Switzerland
- 5 | years ago.
- 6 Q. When was that?
- 7 A. I don't know. I really don't recall. In
- 8 fact, I was amazed. That's why when he tried to get
- 9 Urban here, we challenged him.
- 10 Q. There's nothing you can pin the date of your
- 11 trip to Switzerland to?
- 12 A. No. I don't recall.
- 13 Q. Do you travel to Switzerland often?
- 14 A. Well, in the last couple years, I haven't
- 15 traveled there, but I used to go there once or twice
- 16 | a year.
- 17 | Q. And on one of those trips you learned of the
- 18 Urban Jurgensen mark?
- 19 | A. Yes.
- 20 Q. And was that before or after you put out
- 21 this catalogue using Urban Jurgensen?
- 22 A. I don't recall. I really don't recall. I
- 23 don't recall when I was there and saw him either.
- Q. You met Mr. Baumberger?

- 1 A. Did I meet him? No, I didn't meet him, personally.
- 3 Q. But you saw the watches?
- 4 A. No, I didn't see watches either.
- 5 Q. Well, how did you learn of the Urban
- 6 Jurgensen mark?
- 7 A. I saw his booth there. He had a booth
- 8 there. I don't know how many years ago.
- 9 Q. Some kind of trade show?
- 10 A. Yeah.
- 11 Q. Just to be sure I'm clear, you learned of
- 12 Urban Jurgensen watches being sold and that's --
- 13 strike that.
- 14 You learned that Mr. Baumberger was selling
- 15 Urban Jurgensen watches when you visited a trade
- 16 show in Switzerland; correct?
- 17 | A. Yes.
- 18 Q. And do you recall approximately the time of
- 19 that trade show, the year?
- 20 A. No, I absolutely do not. I'm oblivious to
- 21 it. I don't recall. I haven't been in Switzerland
- 22 in, I think, two, three years.
- Q. Let's talk about the time you filed the
- 24 action to cancel Mr. Baumberger's registration for

1 Were you aware at that time that he was Urban. 2 selling Urban Jurgensen watches? 3 Α. Yes. 4 And what action did you take, aside from Ο. this cancellation action, to get him to stop selling 5 6 Urban Jurgensen watches? 7 What was that question again? Δ. Did you do anything when you learned he was 8 Ο. 9 selling Urban Jurgensen watches, send him a demand 10 letter, file a lawsuit? 11 Well, because we felt we had the Urban Α. Jurgensen trademark here, and we were -- I mean, 12 13 it's too close to Jules Jurgensen. 14 Did you or your lawyer send Peter Baumberger Ο. 15 or his lawyers a letter telling him he should stop 16 using the Urban Jurgensen mark? I don't recall. I know we challenged him. 17 Α. Did you bring any other legal action to stop 18 Ο. Mr. Baumberger from using the Urban Jurgensen mark? 19 20 I don't recall. I think we did because we Α. 21 did get the Urban Jurgensen trademark. 22 0. Well, you filed a petition to cancel his registration for Urban. But my question is --23

But we did get -- go ahead.

24

Α.

My question is related to Urban Jurgensen. 1 Q. 2 Did you take any legal action to stop him from using 3 the Urban Jurgensen mark? Yeah, because he -- yes. He tried to get 4 Α. 5 Urban, and we knew exactly what he tried to do, and we stopped him, and that's when we -- because it was 6 7 too close to Urban Jurgensen. And that was with the Trademark Trial and 8 9 Appeal Board? 10 Α. Right. 11 Did you take any other action, like in 0. federal court? 12 13 Α. No, I don't recall. Were you selling Urban Jurgensen watches at 14 Ο. 15 the time that you filed an action in the trademark office against Mr. Baumberger's registration for 16 17 Urban? Yes. 18 Α. And just let me ask you, why didn't you take 19 any action to keep Mr. Baumberger from using Urban 20 Jurgensen? I mean, why didn't you sue him back then 21 if you knew he was selling Urban Jurgensen watches 22 in 1991 or '92, why didn't you bring a lawsuit back 23 24 then?

1 Α. Why didn't I bring it, because I didn't understand why Switzerland even gave -- let him use 2 3 Urban Jurgensen when we had Jules Jurgensen, and I 4 couldn't understand it, but it was done. 5 prevent him from getting it here. 6 0. But you're aware that all during this time 7 he's been selling Urban Jurgensen watches in the 8 U.S.; correct? 9 Well, I don't know if he's been selling them 10 after -- he knew that we had the Jules Jurgensen and 11 we had the Urban. If he was selling them in the 12 United States at that time, he wasn't doing the 13 right thing. 14 Ο. But he certainly hadn't agreed to stop 15 selling them in the U.S.; had he? 16 He was doing it illegal as far as I'm 17 concerned. 18 Ο. And during that time, you didn't take any action to stop him, correct, in federal court? 19 20 Α. We didn't know he was selling them here 21 after we got the registration again. 22 Have you ever seen Urban Jurgensen watches Ο. sold here in the U.S.? 23

24 A. Well, I don't know. I assume he sells four

- or five a year, maybe more. I doubt if he sells
  more than that, but we'll find that out, too.
- Q. But my question is, have you ever seen those watches displayed or promoted in the U.S.?
- 5 A. No, I have never seen it. I have never seen 6 it promoted. I have never seen anybody wear one.
- 7 Q. Do you know if you've lost any sales to Mr.
- 8 Baumberger?

9

- A. No, I don't think I've lost sales to him.
- Q. Are you aware of any customer that has ever purchased one of your Jules Jurgensen watches in the
- mistaken belief that it was Peter Baumberger's Urban
- 13 Jurgensen watch?
- 14 A. No.
- 15 Q. Are you aware of any customer purchasing
- 16 Peter Baumberger's Urban Jurgensen watch in the
- 17 mistaken belief that it was your watch?
- 18 | A. No.
- 19 | Q. Did you ever receive any mail addressed to
- 20 Mr. Baumberger?
- 21 A. No, I haven't.
- 22 Q. Have you ever received any product returns
- 23 of Mr. Baumberger's Urban Jurgensen watches or did
- 24 anybody ever send them in for service or anything?

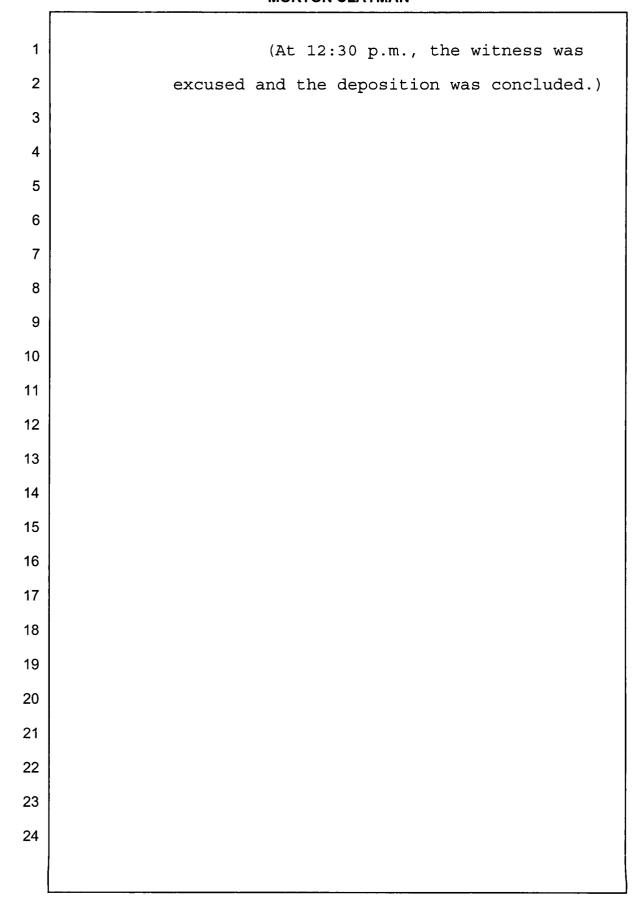
1	A. No.
2	Q. Have you ever received any kind of other
3	communications intended for Mr. Baumberger, like an
4	e-mail or a letter?
5	A. No.
6	Q. Or a telephone call?
7	A. No.
8	Q. Are you aware of any consumer being confused
9	between your Jules Jurgensen watches and Mr.
10	Baumberger's Urban Jurgensen watches?
11	A. No, but it could be confused in the future.
12	Q. Have you ever had any conversations or
13	dealings with Mr. Baumberger, at all?
14	A. Not that I recall, no.
15	MS. ANDERSON: I'm just going to
16	take five minutes.
17	(At this time, there was a brief
18	break in the proceedings.)
19	BY MS. ANDERSON:
20	Q. I don't know if I've asked you this, and
21	forgive me if I have, Mr. Clayman, what regions of
22	the country do you sell Jules Jurgensen watches?
23	A. All over the country.
24	Q. Same question for Urban Jurgensen watches,

- 1 what regions of the country do you sell those?
- 2 A. All over.
- Q. Have you always sold Urban Jurgensen watches
- 4 | nationwide since 1974?
- 5 A. Yes.
- 6 Q. I asked you earlier if you were aware of
- 7 Stovard Jurgensen watches, and you answered no.
- 8 A. Well, I --
- 9 Q. Did you want to change that answer?
- 10 A. No, go ahead. You ask the question; I'm
- 11 sorry.
- 12 Q. If I misstated your testimony, do tell me.
- My question now is, are you aware of having lost any
- 14 sales to Stovard Jurgensen watches?
- 15 | A. No.
- 16 Q. Are you aware of any consumers being
- 17 confused between Stovard Jurgensen watches and --
- 18 A. I'm not aware of them being confused, but I
- 19 | would think people can get confused.
- 20 | Q. Have you always offered Urban Jurgensen
- 21 watches at a higher price point than Jules Jurgensen
- 22 watches?
- 23 A. Well, any time I sold them would usually be
- 24 at a higher -- I think better quality and higher

1	price.
2	Q. Let me have you take a look at P-0015. I'm
3	looking up top where it says goods and services, and
4	you look over to the right and there's some numbers
5	and then it says wrist watches, and then right after
6	that it says, First Use 1835. In other words, this
7	application claims that the mark was first used by
8	Rhapsody in 1835. That's not correct; is it?
9	A. No, that's incorrect.
10	Q. What do you think this 1835 date
11	A. I would think it was from Switzerland that
12	they sold watches in here in 1835, because I have
13	pocket watches 1861 and earlier, so it's whatever
14	it was, it's a mistake.
15	Q. But you're not aware of any Jules Jurgensen
16	watches being sold in the U.S. in 1835; are you?
17	A. 1861, I am because I have them. They were
18	sold here.
19	Q. In the U.S.?
20	A. Yes.
21	Q. What is the reasoning behind offering the
22	Urban Jurgensen watches at a higher price point
23	MR. BECK: I'm going to object to
24	that question. That goes to his sales

1	strategy and I don't think that that's
2	appropriate.
3	MS. ANDERSON: I think it is
4	appropriate because it goes to the goods and
5	services with which the mark is offered, the
6	channel of trade, the types of purchasers,
7	and it may go to unclean hands.
8	MR. BECK: But you're not asking
9	questions in any of those areas. You're
10	asking him how he prices the products that
11	his company sells.
12	MS. ANDERSON: Let me ask the
13	question and don't paraphrase it to make
14	your point.
15	BY MS. ANDERSON:
16	Q. The question is, why did you decide to use
17	the Urban Jurgensen name with a higher price point
18	line of watches?
19	MR. BECK: I'm going to object to
20	that question and instruct him not to
21	answer. Peter can figure out his own
22	marketing and pricing strategy.
23	BY MS. ANDERSON:
24	Q. Are you generally aware of the price point

1	of Urban Jurgensen watches produced by my client,
2	Peter Baumberger?
3	A. Not really, no. I know it's very high
4	priced.
5	Q. And the fact that he was producing a higher
6	price point watch had nothing to do with your
7	decision to offer Urban Jurgensen watches at a
8	higher price point?
9	A. No, absolutely not.
10	Q. Just complete coincidence?
11	A. It's a business decision.
12	Q. Tell me again when you decided to offer that
13	higher price to the Urban Jurgensen line?
14	A. As long as we made Urban Jurgensen, we would
15	always put it out at a higher price. Why should I
16	have a duplicate?
17	Q. I just didn't know if it had always been
18	your higher price line since you started using the
19	mark?
20	A. Well, I would think it would be a good
21	business decision.
22	MS. ANDERSON: I think I have asked
23	all the questions that I'm going to ask.
24	MR. BECK: I have no redirect.



1	CERTIFICATION
2	
3	I, EMILIE S. POSNAN, Professional
4	Court Reporter and Notary Public, do hereby
5	certify that the foregoing is a true and
6	accurate transcript of the stenographic
7	notes taken by me in the aforementioned
8	matter.
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10	Gullen
11	- July of o
12	Emilie S. Posnan
13	
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16	The foregoing certification does
17	not apply to any reproduction of the same by
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After making any changes in form or substance which have been noted on the following errata sheet along with the reason for any change, please sign your name on the errata sheet and date it.

Then sign your deposition at the end of your testimony in the space provided. You are signing it subject to the changes you have made in the errata sheet, which will be attached to the deposition before filing. You must sign it in front of a witness. Hav the witness sign in the space provided. The witness need not be a notary public. Any competent adult may witness your signature.

Return the original errata sheet to your counsel promptly. Court rules require filing within thirty (30) days of you receive the deposition transcript by you. Counsel is asked to send a copy of the errata sheet to Summit Court Reporting for our records. 

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1			E	RRATA SHEET
2		1 1. 1. 1	<b>n</b>	en of MODEON OF AUMAN
3			Deposit: H 18, 20	ion of: MORTON CLAYMAN
4	In the	matter	of: JUI	RGENSEN vs. BAUMBERGER
5 6	PAGE	LINE	CHANGE	REASON THEREFOR
0	D 14	14	10 11	change Unit it in U to
7	Page 14,	lines	10-11,	change "put it in" to register it
. 8		lines	20-21,	delete.
9	Page 15,	lines	1- 2,	<del>_</del>
10		2 4		URBAN JURGENSEN."
		line	6,	change "here" torecords
11	Page 16,	line	5,	change "" toregister
.12				URBAN
13	Page 19,	line	14,	change "a" to -6 to 8
14	Page 20,	line	3,	change "yeah" toYes
15	Page 50,	line	9,	change "40" to35
	•	line	15,	change "45" to35
16	Page 75,	line	12,	change "here" toin the
17				U.S
18	,	line	13,	after "Jules Jurgensen."
40	•			insertAt that time my market was the U.S.A
19		line	24,	change "-go ahead" tothe
20			, ,	registration
21	Page 76,	line	4,	change "Yeah" toYes
22	Master	$-(l)_{l}$	Dinu.	6/11/09
23	Morton Cl	ayman		Date
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24	Withessed	)by:		

4	
1	SIGNATURE PAGE
2	
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4	I hereby acknowledge that I have
5	read the aforegoing transcript, dated March
6	18, 2009, and the same is a true and correct
7	transcription of the answers given by me to
8	the questions propounded, except for the
9	changes, if any, noted on the errata sheet.
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17	MORTON CHAIMAN
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19	WITNESSED BY:
20	WITNESSED BY:
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INVOICE	DATE	CUST.#	CUSTOMER NAME	SM	GOLD	STYLE#	QTY	PRICE
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	206UJ	Ø	155.00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	2Ø7UJ	2	155,00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	2Ø4UJ	1	170.00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	2Ø5UJ	1	170,00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	21ØUJ	2	165,00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	211UJ	2	165,00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	200UJ	2	175,00
731719	110899	JBAAKG	BAAK GALLERY	JJ	\$291	2010J	2	175,00
731755	110999	JG&GJW	G&G JLRY WHOLESALE	RS	\$291	2Ø4UJ	ı	170,00
731778	110999	JALLØØ	ALL THAT GLITTERS	RS	\$291	2Ø6UJ	Ø	155.00
731778	110999	JALLØØ	ALL THAT GLITTERS	RS	\$291	2Ø7UJ	1	155,00
731798	111099	<b>JBENYS</b>	BENY'S AUTH SALES & S	ERVMM	\$291	2Ø4UJ	i	170,00
731798	111Ø99	<b>JBENYS</b>	BENY'S AUTH SALES & S	ERVMM	\$291	205UJ	1	170.00
7318Ø9	111099	JEXCLJ	EXCLUSIVE JEWELERS	RS	\$291	2Ø3UJ	1	175.00
7318Ø9	111099	JEXCLJ	EXCLUSIVE JEWELERS	RS	\$291	200UJ	1	175.00
7318Ø9	111099	JEXCLJ	EXCLUSIVE JEWELERS	RS	\$291	201UJ	!	175.00
7318Ø9	111Ø99	JEXCLJ	EXCLUSIVE JEWĒLERS	RS	\$291	2Ø7UJ	!	155,00
7318Ø9	111Ø99	JEXCLJ	EXCLUSIVE JEWELERS	RS	\$291	204UJ	ļ	170.00
7318Ø9	111099	JEXCLJ	EXCLUSIVE JEWELERS	RS	\$291	205UJ	l -	170.00
7318Ø9	111099	JEXCLJ	EXCLUSIVE JEWELERS	RS	\$291	2Ø2UJ	2	175.00
731810	111099	JITSAB	IT'S ABOUT TIME	CF	\$291	200UJ	l l	175.00
731810	111099	JITSAB	IT'S ABOUT TIME	CF	\$291	2Ø1UJ		175.00
731810	111099	JITSAB	IT'S ABOUT TIME	CF	\$291	202UJ	1	175.00
7318IØ	111Ø99	JITSAB	IT'S ABOUT TIME	CF	\$291	2Ø3UJ	!	175.00
731810	111099	JITSAB	IT'S ABOUT TIME	CF	\$291	204UJ	ļ.	170,00
731810	111Ø99	JITSAB	IT'S ABOUT TIMÉ	CF	\$291	2Ø5UJ		170.00
731810	111Ø99	JITSAB	IT'S ABOUT TIME	CF	\$291	206UJ	Ø	155.00
731810	111Ø99	JITSAB	IT'S ABOUT TIME	CF	\$291	207UJ	1	155.00
7318IØ	111Ø99	JITSAB	IT'S ABOUT TIME	CF	\$291	2Ø8UJ	Ø	165.00
731810	111Ø99	JITSAB	IT'S ABOUT TIME	CF	\$291	2Ø9UJ		165,00
731810	111099	JITSAB	IT'S ABOUT TIME	CF	\$291	21007	1	165.00
731810	111099	JITSAB	IT 'S ABOUT TIME	CF	\$291	211UJ	 	165.00 175.00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291 \$291	201UJ 201UJ		175.00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	2Ø2UJ	; 	175.00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF CF	\$291	203UJ	i	175.00
731854	111199	JDAVPR	DAVID PRICE JEWELERS DAVID PRICE JEWELERS	CF	\$291	204UJ	i	170.00
731854	111199	JDAVPR JDAVPR	DAVID PRICE JEWELERS	CF	\$291	2Ø5UJ	i	170,00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	206UJ	ø	155.00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	2Ø7UJ	Ī	155.00
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731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	2Ø9UJ	1	165,00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	21ØUJ	1	165,00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	211UJ	1	165.00
731854	111199	JDAVPR	DAVID PRICE JEWELERS	CF	\$291	22ØUJ	1	.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	200UJ		175,00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	2Ø1UJ	1	175.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	2Ø2UJ		175,00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	203UJ		175.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	2Ø4UJ	1	170.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	2Ø5UJ		170.00
731899	111299	JMRTFI	MR, T'S FINE JEWELRY	CF	\$291	2Ø6UJ	Ø	155.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	ÇF	\$291	207UJ	1	155.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	2Ø8UJ	Ø	165.00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	2090J		165,00 165,00
731899	111299	JMRTFI	MR. T'S FINE JEWELRY	CF	\$291	21007	l I	165.00
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                                          HEILIG-MEYERS CO
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                                          HEILIG-MEYERS CO
              112499
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                                          SUMAR JEWELRY
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 732488
                                         JOSEPH'S JEWELERS SW
HEILIG-MEYERS CO JS
TOWNE JEWELERS, INC. RS
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                                          CARRIE WHITTAKER JLRY JJ
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                            JJOYLO
                                          JOYERIA GONZALEZ
              12Ø799
 732997
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732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	20001	ļ	175.00
732Ø24	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	2Ø1UJ		175,00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291 \$291	202UJ 203UJ	l I	175.00 175.00
732024	111699 111699	JGRIFJ JGRIFJ	GRIFFIN'S JEWELERS, IN GRIFFIN'S JEWELERS, IN		\$291	2Ø3UJ	ŀ	170.00
732Ø2 <del>4</del> 732Ø2 <del>4</del>	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	2Ø5UJ	i	170.00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	206UJ	ø	155.00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	207UJ	ĩ	155.00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	2Ø8UJ	Ø	165,00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	2Ø9UJ	1	165.00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN	IC,RS	\$291	21007	l	165.00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	211UJ	1	165,00
732024	111699	JGRIFJ	GRIFFIN'S JEWELERS, IN		\$291	22ØUJ	!	.00
732Ø83	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	208UJ	l I	165.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	200UJ	 	175.00 175.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC BC	\$291 \$291	202UJ	i i	175.00
732093	111799 111799	JPALAF JPALAF	PALACE FINE JEWELERS PALACE FINE JEWELERS	BC	\$291	2Ø3UJ	ì	175.00
732Ø93 732Ø93	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	2Ø4UJ	i	170,00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	205UJ	į	170.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	2Ø6UJ	Ø	155.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	207UJ	1	155.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	2Ø8UJ	Ø	165,00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	2Ø9UJ	l l	165.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	21001		165.00
732Ø93	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	211UJ	1	165.00
732093	111799	JPALAF	PALACE FINE JEWELERS	BC	\$291	22ØUJ	l I	.00 170.00
732101	111899	JBERLE	BERLE LANDOW	MD MD	\$291 \$291	204UJ 205UJ	!	170.00
732101	111899	JBERLE	BERLE LANDOW PALACE FINE JEWELERS	BC	\$291	2Ø8UJ	- i	165,00
732129	111799	JPALAF JTIMEF	TIME FOR YOU	JJ	\$294	201UJ	i	175,00
732227 732227	111999 111999	JTIMEF	TIME FOR YOU	JJ	\$294	2Ø2UJ	i	175.00
732227	111999	JTIMEF	TIME FOR YOU	ĴĴ	\$294	203UJ	1	175.00
732227	111999	JTIMEF	TIME FOR YOU	JJ	\$294	2Ø4UJ		170.00
732227	111999	JTIMEF	TIME FOR YOU	JJ	\$294	2Ø5UJ		170.00
732227	111999	JTIMEF	TIME FOR YOU	JJ	\$294	2Ø6UJ	Ø	155.00
732227	111999	JTIMEF	TIME FOR YOU	JJ	\$294	2Ø7UJ	1	155.00
732227	111999	JTIMEF	TIME FOR YOU	JJ	\$294	208UJ	Ø	165.00 165.00
732227	111999	JTIMEF	TIME FOR YOU	JJ JJ	\$294 \$294	209UJ	l I	165.00
732227 732227	111999 111999	JTIMEF JTIMEF	TIME FOR YOU TIME FOR YOU	JJ	\$294	211UJ	i I	165.00
732227	111999	JTIMEF	TIME FOR YOU	JJ	\$294	200UJ	į	175.00
732227	111999	JTIMEF	TIME FOR YOU	ĴĴ	\$294	22ØUJ	ĺ	.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	200UJ	1	175.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	2Ø1UJ		175,00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	202UJ	ļ	175.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	2Ø3UJ	!	175.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294 \$294	204UJ 205UJ	 	170,00 170,00
732233	111999	JHESSF	HESS FINE ART HESS FINE ART	RS RS	\$29 <del>1</del>	2Ø6UJ	ø	155.00
732233 732233	111999	JHESSF JHESSF	HESS FINE ART	RS	\$294	2Ø7UJ	Ĭ	155.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	2Ø8UJ	Ø	165.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	2Ø9UJ	1	165.00
732233	111999	<b>JHESSF</b>	HESS FINE ART	RS	\$294	21001	1	165.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	21107	!	165.00
732233	111999	JHESSF	HESS FINE ART	RS	\$294	22ØUJ	1	.00 175.00
732243	111999	JKOHNS	KOHN'S WATCH & GIFT C		\$294 \$294	202UJ	 	175.00
732254	112299	JDIANE	DIANE'S GEMS AMBER DREAMS OF PR	JJ JJ	\$291	200UJ	i	175.00
732297 732297	112299	JAMBER JAMBER	AMBER DREAMS OF PR	JJ	\$291	201UJ	i	175.00
732297	112299	JAMBER	AMBER DREAMS OF PR	JJ	\$291	2Ø2UJ	1	175,00
732297	112299	JAMBER	AMBER DREAMS OF PR	JJ	\$291	2Ø3UJ	ļ	175.00
732297	112299	JAMBER	AMBER DREAMS OF PR	JJ	\$291	204UJ		170.00
732297	112299	JAMBER	AMBER DREAMS OF PR	JJ	\$291	2Ø5UJ	 	170.00 155.00
732297	112299	JAMBER	AMBER DREAMS OF PR AMBER DREAMS OF PR	JJ JJ	\$291 \$291	206UJ 207UJ	i 1	155,00
732297 732297	112299 112299	JAMBER JAMBER	AMBER DREAMS OF PR	JJ	\$291	2Ø8UJ	i	165.00
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733303
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                            MDM JEWELERS
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                             GRIFFIN'S JEWELERS, INC.RS
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                   JWILJL WILLIAMS JLRY CO.
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                   JHEILI HEILIG-MEYERS CO
JHEILI HEILIG-MEYERS CO
                                                          JS
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                                                                      2Ø5UJ
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733375
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733457
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                             DIANE HOENES
                                                               $289
733460
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                             DIANE HOENES
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                   JSUMAR
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                             SUMAR JEWELRY
733463
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                                                               $289
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733607
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                             MORRIS JLRS
          122199
733723
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                                                                      2Ø4UJ
                             MARCELLA BACCARI
                                                  JS
7338Ø9
          155533
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                             MARTY'S RINGS & THINGS CF
733845
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                             ERIC VAN GLIDER JS
                                                             $289
733850
          122299
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                             MORRIS JLRS JJ $289
MORRIS JLRS JJ $289
SASLOW 'S INC. RS $289
JOE YOUNGS 'S JLRY CO DC $289
                   JMORRI
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733933
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734212
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                             DIAMOND EXPRESS
THE JLRY SHOP
T.V. JLRY
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THE JEWELERS
AH $282
CF $282
THE JLRY SHOP
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734523
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                             TREASURES ON THE LAKE
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                                                               $282
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                    JTREAL
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                             TREASURES ON THE LAKE
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                    JAMBER
                             AMBER DREAMS OF PR
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734644
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734963
                             STONESTREET MKTG SVCS.
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                             EAST AFRICAN GEM CO
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                             EAST AFRICAN GEM CO
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                                                                      206UJ
                                                                                         155,00
                                                          JJ
                                                               $282
                    JEASTA EAST AFRICAN GEM CO
 735021
          013100
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EAST AFRICAN GEM CO

EAST AFRICAN GEM CO

**JEASTA** 

**JEASTA** 

735021

735021

013100

013100

JJ

JJ

\$282

\$282

207UJ

2Ø8UJ

5/21

155.00

165.00

DAVID PRICE JEWELERS

022400

735601

**JDAVPR** 

CF

\$304

211UJ

6/21

165.00

JJ \$273

737783

060100

**JKOPPE** 

HAN 'S KOPPENHOEFER

2Ø4UJ

170.00

738445 738445 738518	071700 071700 072000 072000	JWORRE JWORRE JWINDS JWINDS	WORRELL BROS. INC. WORRELL BROS. INC. WINDSOR WINDSOR	SD SD RS RS	\$286 \$286 \$286 \$286	205UJ 204UJ 200UJ 201UJ	2 1 1	170.00 170.00 175.00 175.00
738518 738518	072000	JWINDS	WINDSOR	RS	\$286	·202UJ	į	175.00
738518 738518	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	203UJ 204UJ		175.00 170.00
738518	072000	JWINDS	WINDSOR	RS	\$286	205UJ	!	170.00
738518 738518	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	206UJ 207UJ	1	155.00 155.00
738518	072000	JWINDS	WINDSOR	RS	\$286	2Ø8UJ	į	165.00
738518	072000	JWINDS	WINDSOR	RS RS	\$286 \$286	209UJ 210UJ		165,00 165,00
738518 738518	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS	\$286	211UJ	i	165.00
738518	072000	JWINDS	WINDSOR	RS	\$286	212UJ	Ø	230,00 230,00
738518 738518	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	2140J	Ø Ø	133.00
738518	072000	JWINDS	WINDSOR	RS	\$286	215UJ	Ø	133,00
738518	072000	JWINDS	WINDSOR	RS RS	\$286 \$286	216UJ 217UJ	Ø Ø	180,00 180,00
738518 738518	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS	\$286	22ØUJ	Ĩ	.00
738543	Ø724ØØ	JDIAES	DIAMOND ESSENCE	JJ	\$286	2Ø2UJ	- [	175,00 175,00
738543	Ø724ØØ	JDIAES JVICKA	DIAMOND ESSENCE YICKI ANTON JLRY	JJ RS	\$286 \$286	203UJ 210UJ	- l 	175.00
738585 738585	Ø726ØØ Ø726ØØ	JVICKA	VICKI ANTON JLRY	RS	\$286	211UJ	ĺ	165.00
738624	072800	JUNITC	UCC TOTAL HOME	SD	\$286 \$286	210UJ 211UJ	] 	157 , 75 157 , 75
73862 <del>4</del> 738684	072800 080100	JUNITC JELIAS	UCC TOTAL HOME ELIAS JLRS	SD RS	\$286	200UJ	-1	175.00
738684	080100	JELIAS	ELIAS JLRS	RS	\$286	2Ø1UJ	-	175.00
738684	080100	JELIAS	ELIAS JLRS	RS RS	\$286 \$286	202UJ 203UJ	- l - 1	175,00 175,00
738684 738684	080   00 080   00	JELIAS JELIAS	ELIAS JLRS ELIAS JLRS	RS	\$286	2Ø4UJ	- 1	170.00
738684	080100	JELIAS	ELIAS JLRS	RS	\$286	205UJ 206UJ	- I - I	170.00 155.00
738684 738684	080   00 080   00	JELIAS JELIAS	ELIAS JLRS ELIAS JLRS	RS RS	\$286 \$286	2000J 207UJ	-1	155.00
738684	080100	JELIAS	ELIAS JLRS	RS	\$286	2Ø8UJ	-	165.00
738684	080100	JELIAS	ELIAS JLRS ELIAS JLRS	RS RS	\$286 \$286	209UJ 210UJ	- l - l	165.00 165.00
73868 <del>4</del> 738684	Ø8Ø1ØØ Ø8Ø1ØØ	JELIAS JELIAS	ELIAS JLRS	RS	\$286	211UJ	- l	165.00
738684	080100	JELIAS	ELIAS JLRS	RS	\$286 \$286	22ØUJ 2Ø4UJ	-1 	.00 87.50
738706 738723	Ø8Ø1ØØ Ø8Ø2ØØ	JTVSCH	TVSN-ACCTS PAYABLE MGR LOFTIS JEWELRY & PAWN	JS BB	\$286	22ØUJ	i	.00
738730	080300	JZACCA	DAN ZACCAGNINO	EΕ	\$286	2Ø4UJ		170.00
738738	080400	JZEIDM	ZEIDMAN´S UCC TOTAL HOME	JJ SD	\$273 \$286	7616UJ 2Ø5UJ	Ø	85.00 162.50
738743 738811	080400 080900	JUNITC JUNITC	UCC TOTAL HOME	SD	\$286	204UJ	i	162,50
738814	080900	JZZZZZ	JANET PRINCE	JS	\$286	2Ø1UJ		175.00 170.00
738816 738816	080900 080900	JCORAS JCORAS	CORA'S FINE JEWELRY CORA'S FINE JEWELRY	DC DC	\$286 \$286	2Ø4UJ 2Ø5UJ	; 	170.00
738822	080900	JZZZZZ	MADELEINE E GIMBEL	JS	\$286	2150J		133.00
738831	080900	JCLAST	CLASSIC SPECIALTIES INC	C.SD	\$286 \$286	208UJ 208UJ	i I	170,00 165,00
738831 738849	Ø8Ø9ØØ Ø81ØØØ	JCLAST JCLARA	CLARKSVILLE JLRY BY AND	4 DC	\$286	2Ø2UJ	i	175.00
738849	081000	JCLARA	CLARKSVILLE JLRY BY ANI		\$286 \$286	203UJ 201UJ		175,00 175,00
738855 738855	Ø81ØØØ Ø81ØØØ	JARTSP JARTSP	ART 'S PLACE ART 'S PLACE	DC	\$286	2Ø8UJ	i	165.00
738855	081000	JARTSP	ART 'S PLACE	DC	\$286	220UJ	١	.00
738855	081000	JARTSP	ART 'S PLACE WINDSOR	DC RS	\$286 \$286	214UJ 200UJ	Ø -1	133,00 175,00
738877 738877	Ø81ØØØ Ø81ØØØ	JWINDS JWINDS	WINDSOR	RS	\$286	2Ø1UJ	-1	175.00
738877	081000	JWINDS	WINDSOR	RS RS	\$286 \$286	202UJ	- l - i	175,00 175,00
738877 738877	081000 081000	JWINDS JWINDS	WINDSOR WINDSOR	RS	\$286	2Ø4UJ	- İ	170.00
738877	081000	JWINDS	WINDSOR	RS	\$286	2Ø5UJ	-1	170,00
738877	Ø81ØØØ Ø81ØØØ	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	206UJ 207UJ	- I - I	155.00 155.00
738877 738877	081000 081000	SUNINUS	WINDSOR	RS	\$286	2Ø8UJ	-1	165.00

738877 738877 738877 738877	Ø81ØØØ Ø81ØØØ Ø81ØØØ Ø81ØØØ	JWINDS JWINDS JWINDS JWINDS	WINDSOR WINDSOR WINDSOR WINDSOR	RS RS RS RS	\$286 \$286 \$286 \$286	21107 51107 51007 50907	-   -   -   -	165.00 165.00 165.00 .00
738879	072000	JWINDS	WINDSOR	RS RS	\$286 \$286	200UJ 201UJ	l 1	175.00 175.00
738879 738879	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS	\$286	2Ø2UJ	I	175,00
738879 738879	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	203UJ	 	175,00 170,00
738879	072000	JWINDS	WINDSOR	RŞ	\$286	2Ø5UJ	ļ	170.00
738879 738879	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	206UJ 207UJ	1	155,00 155,00
738879	072000	JWINDS	WINDSOR	RS	\$286	2Ø8UJ	I	165.00 165.00
738879 738879	072000 072000	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	51007 50907		165.00
738879	072000	JWINDS	WINDSOR	RS	\$286	2110J		165.00 .00
738879 738893	072000 081400	JWINDS JGOLIM	WINDSOR GOLDEN IMPULSE	RS JJ	\$286 \$286	22ØUJ 2Ø4UJ		170.00
738922	081500	JROSSH		JJ	\$286 \$286	204UJ 205UJ	1	136,00 170,00
738959 738974	Ø816ØØ Ø817ØØ	JHARDI JBODYO	ROSS N HOOK HARDING JLRS. BODY OF GOLD	BC JJ	\$286	2030J		170.00
739019	082100	JVIMAL	BODY OF GOLD VIMAL LTD VIMAL LTD VIMAL LTD VIMAL LTD VIMAL LTD	JJ	\$286	200UJ	1	175,00 175,00
739Ø19 739Ø19	Ø821ØØ Ø821ØØ	JVIMAL JVIMAL	VIMAL LID VTMAL LTD	JJ	\$286 \$286	50607 50107	i	155.00
739019	082100	JVIMAL	VIMAL LTD	JJ	\$286	207UJ	  -	155,00 170,00
739Ø7 I 739Ø7 I	Ø824ØØ Ø824ØØ	JCLAST JCLAST	CLASSIC SPECIALTIES INC	.SD	\$286 \$286	204UJ 204UJ	- l	165.00
739118	082800	JJFINE	J FINE JLRY	JJ	\$286	208UJ	1	165.00 155.00
73918Ø 73918Ø	Ø831ØØ Ø831ØØ	JLOFTI JLOFTI	LOFTIS JEWELRY & PAWN LOFTIS JEWELRY & PAWN	BB BB	\$286 \$286	206UJ 207UJ	1	155.00
739229	090500	JISGL0	ISGLO IMPORTS	JS	\$286	200UJ		175.00 175.00
739229 739229	090500 090500	JISGLO JISGLO	ISGLO IMPORTS ISGLO IMPORTS ISGLO IMPORTS	JS JS	\$286 \$286	203UJ		165.00
739229	Ø9Ø5ØØ	JISGL0	ISGLO IMPORTS	JS	\$286	21001	İ	165.00 165.00
739242 739339	090500 090600	JCOZZI JYANNE	PAUL COZZI YANNEEN JLRS INC.	JJ RS	\$286 \$286	200UJ 200UJ		175.00
739339	090600	JYANNE	YANNEEN JLRS INC.	RS	\$286	201UJ	 	175,00 230,00
739339 739408	Ø90600	JYANNE JWINDS	YANNEEN JLRS INC. WINDSOR	RS RS	\$286 \$286	200UJ	Ø -1	175.00
7394Ø8	091100	JWINDS	WINDSOR	RS	\$286	20103	- I - I	175,00 175,00
7394Ø8 7394Ø8	Ø911ØØ Ø911ØØ	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	203UJ 203UJ	- I	175.00
739408	091100	JWINDS	WINDSOR	RS	\$286	204UJ	-   -	170.00 170.00
7394Ø8 7394Ø8	Ø911ØØ Ø911ØØ	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	205UJ 205UJ	-1	155.00
739408	091100	JWINDS	WINDSOR	RS	\$286	207UJ	-   -	155.00 165.00
7394Ø8 7394Ø8	Ø911ØØ Ø911ØØ	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	209UJ 208UJ	-1	165.00
7394Ø8	091100	JWINDS	WINDSOR	RS	\$286	211UJ 210UJ	- I - I	165.00 165.00
7394Ø8 7394Ø8	091100 091100	JWINDS JWINDS	WINDSOR WINDSOR	RS RS	\$286 \$286	22ØUJ	- İ	.00
739540	092000	JJANBE	JAN-BELL MARKETING	JS JJ	\$286 \$286	7616UJ 200UJ	2ØØ - I	79.95 175.00
739572 739572	Ø922ØØ	JEASTA JEASTA	EAST AFRICAN GEM CO EAST AFRICAN GEM CO	JJ		2Ø1UJ	-	175.00
739572	092200	JEASTA	EAST AFRICAN GEM CO	JJ JJ		204UJ 204UJ	- l - l	175.00 170.00
739572 739572	Ø922ØØ Ø922ØØ	JEASTA JEASTA	EAST AFRICAN GEM CO EAST AFRICAN GEM CO	JJ		2Ø5UJ	- i	170.00
739572	Ø922ØØ	JEASTA	EAST AFRICAN GEM CO	JJ		206UJ 207UJ	-   -	155,00 155,00
739572 739572	Ø922ØØ Ø922ØØ	JEASTA JEASTA	EAST AFRICAN GEM CO EAST AFRICAN GEM CO	JJ	\$286	208UJ	<b>-</b> l	165.00
739572	Ø922ØØ	JEASTA	EAST AFRICAN GEM CO EAST AFRICAN GEM CO	JJ JJ		210UJ	- I - I	165.00 165.00
739572 739572	092200 092200	JEASTA JEASTA	EAST AFRICAN GEM CO	JJ	\$286	2110J	-	165.00
739572	092200	JEASTA JEASTA	EAST AFRICAN GEM CO EAST AFRICAN GEM CO	JJ JJ		203UJ 203UJ	-	175.00 175.00
739573 739629	Ø926ØØ Ø922ØØ	JZEIDM	ZEIDMAN 'S	JJ	\$273	7616UJ	1	85.00 155.00
739662	Ø927ØØ	JELEGZ	ELEGANZA BELLO INC	MX	\$286	2Ø6UJ	i	ושש, ככו

MX

ELEGANZA BELLO INC

092700

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739662

**JELEGZ** 

\$286

2Ø7UJ

10/21

155,00

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                 JDARLE
                         DARLENE'S JLRY COLLECT JJ
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                         DIANA LOREN FASHION JLRYJJ
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                 JDIANL
74Ø826
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                         DIANA LOREN FASHION JLRYJJ
                                                        $265
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                 JDIANL
740826
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                 JHOLLI
                         HOLLISTON'S JLRS.
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74Ø836
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                                                               200UJ
                 JMILAN
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740856
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                         DOMINIQUE JLRY, INC. DOMINIQUE JLRY, INC.
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                          DOMINIQUE JLRY, INC.
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741011
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                          RIO'S JLRY
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                 JUNITC
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741121
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                 JALLØØ
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741131
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                                                                               175,00
                          MORT GELLER JLRS
741188
         112800
                                                    MX
                                                        $286
                                                               214UJ
                                                                          133,00
                  JELEGZ
                          ELEGANZA BELLO INC
741252
         112900
                                                               215UJ
                                                                               133,00
                          ELEGANZA BELLO INC
                                                    MX
                                                        $286
                                                                          ı
741252
         112900
                 JELEGZ
                                                               2Ø8UJ
                                                                               165,00
                                                    MD
                                                        $265
                                                                          1
         112900
                          ODOM'S JLRS
                 JODOMS
741256
                                                        $265
                                                                               165.00
                          ODOM'S JLRS
                                                   MD
                                                               21ØUJ
         112900
                 JODOMS
741256
                                                   MD
                                                               211UJ
                                                                                165,00
                          ODOM'S JLRS
                                                         $265
         112900
                 JODOMS
741256
                                                   MD
                                                         $265
                                                               213UJ
                                                                               230,00
                          ODOM'S JLRS
         112900
                  JODOMS
741256
                                                                                133,00
                                                   MD
                                                         $265
                                                               215UJ
                          ODOM'S JLRS
741256
         112900
                  JODOMS
                                                    MD
                                                         $265
                                                               216UJ
                                                                                180,00
                          ODOM'S JLRS
         112900
                 JODOMS
741256
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MD $265
MD $265
                              UUUM S JLRS MD $265
ATHENS ARTIFACTS, INC. JJ $3
                                                                           7616UJ
741256
          112900
                    JODOMS
                                                                  $3
$3
$3
$3
$3
                                                                                                85.00
                                                                           7616UJ
          120100
                    JATHEA
741321
                                                                                               155.00
                                                                           2Ø7UJ
                               T.C. CONCEPTS
                                                             SD
                    JTCCON
741334
          120100
                                                                           201UJ
                                                                                               175.00
                               THE VILLAGE GOLDSMITH
                                                            RS
                    JVILLA
741338
          120100
                                                            CF
                                                                          2Ø4UJ
                                                                                               170,00
                               SHELOR GOLD & SILVER
741360
          120400
                    JSHELO
                             UCC TOTAL HOME SD $3
UCC TOTAL HOME SD $3
UCC TOTAL HOME SD $3
SHELTON S JLRS RS $300
SHELTON S JLRS RS $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ERNCOL JLRY SHOP JJ $300
ALBERT ROBBINS JLRS
                                                          SD
                                                                          2Ø8UJ
                                                                                               157,75
                               UCC TOTAL HOME
741366
          120400
                    JUNITC
                                                                          21ØUJ
                                                                                               157.75
                    JUNITC
741383
          120400
                                                                          205UJ
                                                                                               163,50
                    JUNITC
741384
          120400
                                                                          2140J
                                                                                               133,00
                    JSHEJL
741517
          120700
                                                                          215UJ
                                                                                               133,00
741517
          120700
                    JSHEJL
                                                                                               170,00
                                                                          2Ø4UJ
                                                                                        JERNCO
741585
          120800
                                                                                               170.00
                                                                          2Ø5UJ
                                                                                        741585
                    JERNCO
          120800
                                                                           211UJ
                                                                                        1
                                                                                               165,00
                    JERNCO
741585
          120800
                                                                           216UJ
                                                                                        1
                                                                                               180,00
                    JERNCO
741585
          120800
                                                                           21001
                                                                                        -1
                                                                                               165,00
                    JERNCO
741585
          120800
                                                                           2Ø3UJ
                                                                                        -
                                                                                               175,00
741585
                    JERNCO
          120800
                                                                           212UJ
                                                                                        1
                                                                                               230,00
741585
          120800
                    JERNCO
                                                                          2Ø5UJ
                                                                                        1
                                                                                               170.00
                    JROBBA
741612
          121100
                                                                                               165,00
                                                             DC
                                                                   $300
                                                                          21ØUJ
                                                                                        1
                               GLASS APPEAL
741658
          121100
                    JGLASA
                                                                                               165.00
                                                                   $300
                                                                          211UJ
                               GLASS APPEAL
                                                             DC
741658
                    JGLASA
          121100
                                                                                               180.00
                                                                   $300
                                                                          217UJ
                                                             MP
                               COLONY GROUP
                    JCOSTE
741659
           121100
                                                                   $300
                                                                                         1
                                                                                               165.00
                                                                           2Ø9UJ
                                                              JJ
                    JJONAT
                               JOHNATHON JLRS
741679
          121100
                                                                                         1
                                                                                               165.00
                               JLRY APPRAISAL & REPAIR DC
                                                                   $300
                                                                           2Ø9UJ
                    JJLRYA
741685
          121100
                                                                   $300
                                                                           2Ø4UJ
                                                                                               170,00
                                               BC
                               BOB CARTER
741757
           121300
                     JBOBCA
                                                   S. JJ
SD
SD
SD
SD
SD
                                                                                               170,00
                                                                   $300
                                                                           2Ø5UJ
                                                                                         1
                               VOLLBRECHT JLRS.
                     JVOLLB
741767
           121300
                                                                                               127.50
                                                                   $300
                                                                           214UJ
                               UCC TOTAL HOME
                     JUNITC
741788
          121400
                                                                                               172,75
                                                                           217UJ
                                                                   $300
                               UCC TOTAL HOME
                     JUNITC
741788
          121400
                                                                                               163.50
                                                                            2Ø4UJ
                                                                   $300
                               UCC TOTAL HOME
                     JUNITC
741790
          121400
                                                                                               162.50
                               UCC TOTAL HOME
                                                                   $300
                                                                            2Ø4UJ
741792
          121400
                     JUNITC
                                                                                               165.00
                                                                  $300
                                                                            2Ø8UJ
                                                              JJ
                               RON SALVADOR JEWELRY
741812
          121400
                     JRONSA
                                                                                                180.00
                                                              JJ
                                                                   $300
                                                                            216UJ
                               DONALD MCGILL COMPANY
          121500
                     JDONMC
741838
                                                                                                180,00
                                                                    $300
                                                                            217UJ
                               DONALD MCGILL COMPANY
                                                               JJ
           121500
                     JDONMC
741838
                                                                                                175.00
                                                                    $300
                                                                            203UJ
                               DONALD MCGILL COMPANY
                                                               JJ
                     JDONMC
741838
           121500
                                                                                                175,00
                                                                    $300
                                                                            201UJ
                               DONALD MCGILL COMPANY
                                                               JJ
                     JDONMC
741838
           121500
                                                                    $300
                                                                            2Ø6UJ
                                                                                                155.00
                               DONALD MCGILL COMPANY
                                                               JJ
           121500
                     JDONMC
 741838
                                                                                                155.00
                                                                    $300
                                                                            2Ø7UJ
                               DONALD MCGILL COMPANY
                                                               JJ
                     JDONMC
 741838
           121500
                                                                                                165.00
                                                                    $300
                                                                            208UJ
                               DONALD MCGILL COMPANY
                                                               JJ
                     JDONMC
           121500
 741838
                                                                                                165.00
                                                                    $300
                                                                            2Ø9UJ
                                                              JJ
                               DONALD MCGILL COMPANY
                     JDONMC
           121500
 741838
                                                                                                165.00
                                                                            211UJ
                               DONALD MCGILL COMPANY
                                                             JJ
                                                                    $300
                     JDONMC
           121500
 741838
                                                                            216UJ
                                                                                                172.75
                                                               SD
                                                                    $300
                               UCC TOTAL HOME
           121900
                     JUNITC
 741934
                               MORT GELLER JLRS
ART'S PLACE
                                                               JJ
                                                                    $300
                                                                            203UJ
                                                                                                175.00
                     JGELLE
           122100
                                                  RS DC
 742003
                                                                                               133.00
                                                                            214UJ
                                                                    $300
                     JARTSP
           122100
 742018
                               RON SALVADOR & SONS JLRYJJ $300
UCC TOTAL HOME SD $300
UCC TOTAL HOME SD $300
UCC TOTAL HOME SD $300
JVP JEWELRY BB $300
J & E COMPANY RS $300
J & E COMPANY RS $300
J & E COMPANY RS $300
UCC TOTAL HOME SD $300
UCC TOTAL HOME SD $300
MAURICE DONCHIN JJ $300
PLAZA JLRY & GIFTS DC $300
BOB CARTER JJ $300
PLAZA JLRY & GIFTS DC $300
BOB CARTER JJ $300
PACOBOND INC JS $300
KERSEY JEWELRY RS $300
RAY TORCHON JS $300
RAY TORCHON
                                                                                               165,00
                               RON SALVADOR & SONS JLRYJJ
                                                                            2Ø8UJ
                                                                    $300
                     JRONSA
           010301
 742039
                                                                            211UJ
                                                                                               157.75
                     JUNITC
           010301
 742068
                                                                            200UJ
                                                                                        l
                                                                                               167,25
                     JUNITC
           010301
 742093
                                                                            2Ø4UJ
                                                                                         1
                                                                                                162.50
                     JUNITC
           010301
 742111
                                                                                               180,00
                                                                            217UJ
                                                                                         1
                     JJVPJE
 742118
           010401
                                                                                               155.00
                                                                            2Ø7UJ
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                     JPICTU
 742147
           010401
                                                                                               180,00
                                                                            216UJ
                                                                                         JJ&ECO
 742172
           Ø10501
                                                                                                180,00
                                                                            217UJ
                                                                                         -
                     JJ&ECO
           010501
 742172
                                                                            2Ø8UJ
                                                                                         165.00
                      JJEWD0
 742265
           011001
                                                                                                162.50
                                                                            2Ø4UJ
                                                                                         - 1
                     JUNITC
 742332
           011501
                                                                                                175,00
                                                                            2Ø3UJ
                                                                                        - 1
                     JMAURI
 742349
           Ø11501
                                                                            7616UJ
                                                                                        1
                                                                                                85,00
                      JPLAZJ
           011701
 742379
                                                                            2Ø4UJ
                                                                                        -|
                                                                                                170,00
                      JBOBCA
 742431
           012201
                                                                            2Ø6UJ
                                                                                        -
                                                                                                155.00
                      JJEWDO
           Ø126Ø1
 742535
                                                                                                160,00
                                                                            216UJ
                      JZZZZZ
 742565
           013001
                                                                                                175.00
                                                                            2010J
                                                                                        - 1
                      JKERSE
 742588
           013101
                                                                                                157,50
                                                                            200UJ
                                                                                         - 1
                      JZZZZZ
           Ø2Ø5Ø1
 742667
                                                                                                157.50
                                                               JS
                                                                    $300
                                                                            201UJ
                                                                                          -
                      JZZZZZ
                                RAY TORCHON
 742667
           020501
                                                    SD
en
                                UCC TOTAL HOME UCC TOTAL HOME
                                                                             204UJW
                                                                                                162,50
                                                                    $300
           020501
                      JUNITC
 742686
                                                                                                162,50
                                                                    $300
                                                                             205UJW
           020501
                      JUNITC
 742689
                                                                                                73.00
                                VALUE VISION INT 'L INC. RE
                                                                     $300
                                                                             7616UJ
                      JVALUV
           020901
 742783
                                                                                                133,00
                                                                     $300
                                                                             214UJ
                                JLRY FORREST
                                                               MD
                      JJLFOR
           Ø2Ø9Ø1
 742793
                                                                             217UJ
                                                                                               180.00
                                                                     $300
                                                               MD
                                JLRY FORREST
           Ø2Ø9Ø1
                      JJLFOR
 742793
                                                                                                175.00
                                PAUL KASKEL & SONS INC RS
                                                                     $300
                                                                             20 I UJ
                      JKASKE
 742816
          Ø212Ø1
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ODOM'S JLRS

741256

112900

**JODOMS** 

217UJ

180.00

85,00

JRONSA RON SALVADOR & SONS JLRYJJ \$300 209UJ

742826

742838

021301

Ø213Ø1

**JERNCO** 

13/21

165,00

133,00

- 1

1

214UJ

VALUE VISION INT 'L INC. RE

JOAN'S WATCH WORLD

\$263

JJ

\$263

7616UJ

2Ø1UJ

744014

744Ø58

Ø5Ø3Ø1

Ø5Ø7Ø1

JVALUV

JWATCW

14/21

81,00

175,00

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WATCH WORLD DC $350
WATCH WORLD DC $350
WATCH WORLD DC $350
WATCH WORLD DC $350
WATCH WORLD DC $350
WATCH WORLD DC $350
WATCH WORLD DC $350
WATCH WORLD DC $350
WILLIAM B. DOUGLAS JJ $350
WALDRON 'S JLRY BB $350
LITTLE TREASURES JR $350
CYNTHIA AIKEN RS $350
                                                                                                                                                     1 170.00
                                                                                                                                   205UJW
                 Ø813Ø1
                                   OWTAWL
745401
                                                                                                                                                      1 155.2
1 85.00
175.00
                                                                                                                                   2Ø6UJ
745401
                 081301
                                   JWATWO
                                                                                                                                  7616UJ
                                   JWATWO
745401
                 081301
                                                                                                                                                       1
                                                                                                                                  2Ø1UJ
                                   JWATWO
745401
                 Ø813Ø1
                                                                                                                                                                    155,00
                                                                                                                                  2Ø7UJ
                                   JWATWO
745401
                 081301
                                                                                                                                                                    175.00
                                                                                                                                  200UJ
                                                                                                                                                         Ø
                                   JWATWO
745401
                 081301
                                                                                                                                                                 85.00
                                                                                                                                                         -
                                                                                                                                  7616UJ
745405
                 Ø814Ø1
                                   JWILLD
                                                                                                                                                                     85.00
                                                                                                                                  7616UJ
                                                                                                                                                         - 1
                                   JWALDR
745435
                 081501
                                                                                                                                 217UJ
                                                                                                                                                         2
                                                                                                                                                                     180.00
745487
                  081701
                                    JLITTT
                                                                                                                                                                    133,00
                                                                                                                                 215UJ
                                                                                                                                                         1
                                    JZZZZZ
745521
                  082201
                                                                                                RS
JJ
JJ
                                                                                                                                                                     230,00
                                                      CYNTHIA AIKEN
                                                                                                                   $350
                                                                                                                                 212UJ
                                                                                                                                                       1
                                    JZZZZZ
745521
                  082201
                                                                                                                                                                    133,00
                                                                                                                     $350
                                                                                                                                 215UJ
                                                                                                                                                       -|
                                    JELEGZ
                                                      ELEGANZA BELLO INC
745525
                  082101
                                                                                                                                                                     175.00
                                                                                                                   $35Ø
                                                                                                                                                       200UJ
745603
                                    JLAPEA
                                                     MARI ELLEN LAPEAN
                  Ø824Ø1
                                                     MARI ELLEN LAPEAN JJ
LOUIS STERN ASSOCIATES JS
                                                                                                                                                                     85.00
                                                                                                                   $350
                                                                                                                                  7616UJ
745603
                  082401
                                    JLAPEA
                                                                                                                                                                     133.00
                                                                                                                   $350
                                                                                                                                  214UJ
                                    JSTERN
745609
                  Ø827Ø1
                                                      RON SALVADOR & SONS JLRYJR
                                                                                                                     $35Ø
                                                                                                                                  208UJ
                                                                                                                                                                    165.00
                                    JRONSA
745728
                  Ø9Ø5Ø1
                                                                                                                                                                     230,00
                                                      DOMINIQUE JLRY, INC. DC
                                                                                                                     $35Ø
                                                                                                                                  212UJ

        DOMINIQUE JLRY, INC.
        DC
        $350

        BOB SERGE
        JS
        $350

        UCC TOTAL HOME
        SD
        $350

        OZZIE 'S D. EXCHANGE
        RS
        $350

        OZZIE 'S D. EXCHANGE
        RS
        $350

        JAY POSNER & SON
        JJ
        $350

        UCC TOTAL HOME
        SD
        $350

        FRANZ BRUNNER
        JS
        $350

        UCC TOTAL HOME
        SD
        $350

        UCC TOTAL HOME
        SD
        $350

        MORRAY 'S JEWELERS
        DC
        $350

        ART 'S PLACE
        DC
        $350

        HIEFMAN 'S HOME FURNISHTNJJ
        $350

                                    JDOMIJ
745747
                  Ø9Ø5Ø1
                                                                                                                                                                     65.ØØ
                                                                                                                                 216UJ
                                    JZZZZZ
745917
                  Ø917Ø1
                                                                                                                                                                     127,50
                                                                                                                                 214UJ
                                    JUNITC
745943
                  Ø919Ø1
                                                                                                                                                                     180,00
                                                                                                                                 216UJ
                                    JOZZIE
JOZZIE
746011
                  092401
                                                                                                                                 217UJ
                                                                                                                                                                     180.00
746011
                  092401
                                                                                                                                                                     85.00
                                                                                                                                 7616UJ
                                    JJAYP0
746058
                  Ø925Ø1
                                                                                                                                                                     127,50
                                                                                                                                 214UJ
746079
                  Ø926Ø1
                                    JUNITC
                                                                                                                                                                     50.00
                                                                                                                                 215UJ
746103
                  Ø926Ø1
                                    JZZZZZ
                                                                                                                                                                     127,50
                                                                                                                                 214UJ
                  092801
                                    JUNITC
746116
                                                                                                                                                                    157,75
                                                                                                                                   21007
                                                                                                                                                       1
746352
                  101001
                                    JUNITC
                                                                                                                                   7616UJ
                                                                                                                                                     - 1
                                                                                                                                                                    85 . ØØ
                                    JMORRJ
 746383
                  101101
                                                                                                                                                   | 133.00
| 175.00
| 170.00
| 170.00
| 175.00
| 85.00
                                                      ART 'S PLACE
ART 'S PLACE
                                                                                                                                   214UJ
                                    JARTSP
 746450
                  101501
                                                                                                                                   2Ø2UJ
                                    JARTSP
 746450
                  101501
                                                                                                                     $350
                                                                                                                                   2Ø4UJ
                                                      HUFFMAN'S HOME FURNISHINJJ
                                    JHUFFM
 746688
                  102601
                                                                                                                                   2Ø5UJ
                                                                                                                      $350
                                                      HUFFMAN 'S HOME FURNISHINJJ
 746688
                  102601
                                    JHUFFM
                                                     HUFFMAN 'S HOME FURNISHINJJ ART 'S PLACE DC MAJESTIC JLRS JJ UCC TOTAL HOME SD UCC TOTAL HOME SD WAYNE 'S JLRY & REPAIR MD UCC TOTAL HOME SD UCC TOTAL HOME SD UCC TOTAL HOME SD UCC TOTAL HOME SD UCC TOTAL HOME SD CHELTEN JEWELERS JJ CHELTEN JEWELERS JJ ART 'S PLACE DC CLARKSYTLLE JLRY BY ANN DC
                                                                                                                                   2Ø3UJ
                                    JARTSP
                                                                                                                      $35Ø
 746895
                  110701
                                                                                                                                                    1 1 1 1 1 1 1 1
                                                                                                                      $350
                                                                                                                                   7616UJ
                  110701
                                    JMAJES
 746901
                                                                                                                                                                172,75
                                                                                                                     $35Ø
                                                                                                                                   217UJ
                                    JUNITC
 746965
                  110901
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                                                                                                                                   2Ø8UJ
                                    JUNITC
                                                                                                                      $35Ø
 746965
                  110901
                                                                                                                                                                     167,25
                                                                                                                      $350
                                                                                                                                   2Ø3UJ
                                     JUNITC
 746976
                  110901
                                                                                                                                                                     155.00
                                                                                                                                   206UJ
                                                                                                                     $35Ø
 746989
                  111201
                                     JWAYNE
                                                                                                                                   2Ø4UJ
                                                                                                                                                                     162.50
                                                                                                                      $350
                                     JUNITC
 747009
                  111201
                                                                                                                                                                     167,25
                                                                                                                      $350
                                                                                                                                   2Ø3UJ
                                     JUNITC
 747114
                  111601
                                                                                                                                                                     165.00
                                                                                                                     $350
                                                                                                                                   2Ø8UJ
                                     JCHELT
 747159
                  111901
                                                                                                                                                                     230,00
                                                                                                                      $350
                                                                                                                                    212UJ
                                     JCHELT
 747159
                  111901
                                                                                                                                                                     175,00
                                                                                                                      $350
                                                                                                                                    202UJ
                                                                                                                                                        - 1
                                     JARTSP
 747238
                   112101
                                                       CLARKSVILLE JLRY BY ANN DC
                                                                                                                                                        -|
                                                                                                                                                                     175,00
                                                                                                                      $350
                                                                                                                                    202UJ
                                     JCLARA
 747275
                  112601
                                                      CLARKSVILLE JLRY BY HNN DC
UCC TOTAL HOME SD
UCC TOTAL HOME SD
UCC TOTAL HOME SD
TROPEX INC. JS
DWC INC. DC
NORMAN MEKETON JS
UCC TOTAL HOME SD
UCC TOTAL HOME SD
DAN BEMOLL JS
                                                                                                                                                                     162.50
                                                                                                                     $35Ø
                                                                                                                                    205UJW
                                                                                                                                                        1
                                     JUNITC
 747434
                  112901
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|
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|
                                                                                                                                                                     127.50
                                                                                                                     $350
                                                                                                                                    214UJ
                                     JUNITC
  747592
                  120401
                                                                                                                                                                     162,50
                                                                                                                      $350
                                                                                                                                    2Ø4UJ
                                     JUNITC
  747599
                  120401
                                                                                                                                                                     124.00
                                                                                                                                    206UJ
                                                                                                                      $35Ø
                                     JTROPE
  7476Ø8
                  120501
                                                                                                                                                                     175.00
                                                                                                                                                           3
                                                                                                                      $35Ø
                                                                                                                                    2Ø2UJ
  747634
                  120501
                                     JDWCIN
                                                                                                                                                    60.00
                                                                                                                      $350
                                                                                                                                    7616UJ
  747754
                  120701
                                     JZZZZZ
                                    JUNITO
                                                                                                                                                                     220,75
                                                                                                                     $35Ø
                                                                                                                                    212UJ
  747824
                  121101
                                                                                                                                                                     167,25
                                     JUNITC
JZZZZZ
                                                                                                                     $35Ø
                                                                                                                                    2Ø1UJ
  747865
                  121101
                                                                                                                                                                     200,00
                                                                                                                     $35Ø
                                                                                                                                    21ØUJ
  747935
                  121201
                                                                                                                                                                     165.00
                                                       KIT/A JLR DESIGN FOR YOUJJ
                                                                                                                     $350
                                                                                                                                    21ØUJ
                                     JKITAJ
  748Ø89
                  121701
                                                                                                                                                                   85.00
85.00
                                                                                                                                    7616UJ
                                                       LOUIS STERN ASSOCIATES JS
                                                                                                                     $35Ø
  748152
                  121801
                                     JSTERN
                                                     WORLD TIME
STEVE SELTZER
UCC TOTAL HOME
UCC TOTAL HOME
WERIDIAN ENTER CORP
WILLIAM B. DOUGLAS
UCC TOTAL HOME
UCC TOTAL HOME
UCC TOTAL HOME
UCC TOTAL HOME
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**JDIAES** 

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155,00

751924	Ø723Ø2	JMARTG	MARTIN GIFT & JEWELRY	GG	\$3Ø8	7616UJ	1	85.ØØ
				KM	\$308	201UJ	i	175,00
751977	072502	JCOUNT	COUNTRY CLUB JLRS				<u>'</u>	
752Ø <del>4</del> 5	Ø73ØØ2	JCHOUS	CHRISTMAN 'S	JM	\$3Ø8	7616UJ	!	85.00
752062	Ø731Ø2	JZZZZZ	ROTHBERG & FEDERMAN	JŞ	\$3Ø8	214UJ		50.00
752076	080102	JZZZZZ	DIANE HOENES	JS	\$3Ø8	204UJ		52.00
	Ø8Ø5Ø2		CHERYL BURCHELL GLDSMIT		\$308	214UJ	i	133,00
752109		JCHERY			•		<u> </u>	
7521Ø9	080502	JCHERY	CHERYL BURCHELL GLDSMIT		\$308	7616UJ	!	85.00
752178	080802	JVIMAL	VIMAL LTD	JJ	\$3Ø8	200UJ	-	78.75
752183	Ø8Ø8Ø2	JLONGM	LONGMONT JEWELRY	GG	\$3Ø8	7616UJ	1	85.ØØ
		JERNCO	ERNCOL JLRY SHOP	ĴĴ	\$3Ø8	217UJ	1	180,00
752216	081202						-	180.00
752287	Ø815Ø2	JERNCO	ERNCOL JLRY SHOP	JJ	\$3Ø8	217UJ	!	
752324	081602	<b>JERNCO</b>	ERNCOL JLRY SHOP	JJ	\$3Ø8	217UJ	-1	180,00
752350	081902	JSOTHE	SOTHERBYS JEWELERS	MD	\$3Ø8	200UJ	ŀ	175,00
				MD	\$308	216UJ	i	180,00
752350	Ø819Ø2	JSOTHE	SOTHERBYS JEWELERS				:	
752425	082202	JALEXJ	ALEX JEWELRY	HH	\$308	7616UJ	l l	85.00
752 <del>4</del> 52	082302	JPIERI	PIERI CREATIONS	HH	\$3Ø8	7616UJ	I	85.ØØ
752478	Ø826Ø2	JDOWNT	DOWNTOWN JEWELERS	JR	\$308	211UJ	ı	165.00
						202UJ	i	175.00
752478	Ø826Ø2	JDOWNT	DOWNTOWN JEWELERS	JR	\$308			
752478	Ø826Ø2	JDOWNT	DOWNTOWN JEWELERS	JR	\$3Ø8	2Ø3UJ	1	175.00
752478	Ø826Ø2	JDOWNT	DOWNTOWN JEWELERS	JR	\$3Ø8	214UJ	1	133.00
			DOWNTOWN JEWELERS	JR	\$308	215UJ	1	133,00
752478	082602	JDOWNT					i	180.00
752478	Ø826Ø2	JDOWNT	DOWNTOWN JEWELERS	JR	\$3Ø8	216UJ		
752478	082602	JDOWNT	DOWNTOWN JEWELERS	JR	\$3Ø8	217UJ	i	180,00
752478	082602	JDOWNT	DOWNTOWN JEWELERS	JR	\$3Ø8	206UJ		155.00
			DOWNTOWN JEWELERS	JR	\$308	2Ø7UJ	ı	155.00
752478	082602	JDOWNT					i	85.00
752535	Ø828Ø2	JHUFFJ	HUFF JEWELERS	JM	\$3Ø8	7616UJ	!	
752592	083002	JALLWU	ALL WOUND UP	JM	\$3Ø8	214UJ	ı	133.00
752592	083002	JALLWU	ALL WOUND UP	JM	\$3Ø8	217UJ	- 1	180.00
			ALL WOUND UP	JM	\$3Ø8	213UJ	ĺ	230.00
752592	083002	JALLWU				2Ø5UJW	ï	170.00
752592	Ø83ØØ2	JALLWU	ALL WOUND UP	JM	\$3Ø8			
752592	083002	JALLWU	ALL WOUND UP	JM	\$3Ø8	2Ø3UJ	ı	175,00
752592	083002	JALLWU	ALL WOUND UP	JM	\$308	204UJW	- 1	170.00
		JPLEAS	PLEASANT VALLEY EXQUIST	THH	\$3Ø8	7616UJ	1	85,00
752829	091602				\$3Ø8	7616UJ	i	85.ØØ
752877	Ø918Ø2	JJOHNO	JOHN'S JEWELRY	GK			!	
753128	100102	JGERAJ	GERARD JEWELERS	TF	\$335	214UJ	l	133,00
753173	100302	JJORDN	JORDAN´S JEWELRY, INC.	GK	\$335	212UJ	1	230,00
		JJORDN	JORDAN'S JEWELRY, INC.	GK	\$335	212UJ	- 1	230,00
753316	100902				\$335	2Ø5UJ	i	170,00
753492	101802	JZZZZZ	FED EXPRESS-INSIDE SALE					
753543	10/1802	JTIMFO	TIME FOR A GIFT	MH	\$335	7616UJ	ı	85.00
753572	102102	JEXCLJ	EXCLUSIVE JEWELERS	JJ	\$335	2Ø2UJ		175.00
753572	102102	JEXCLJ	EXCLUSIVE JEWELERS	JJ	\$335	2Ø3UJ		175,00
				JM	\$335		ı	133,00
7536Ø9	102202	JTHGOL	THE GOLDSMITH					85.00
753619	102302	JJLRYI	JEWELRY IMPRESSIONS.COM		\$335	7616UJ	1	
753731	102902	JNUCON	NUCONCEPTS UNLIMITED	GG	\$335	7616UJ		85.ØØ
753734	102902	JGOCON	GOLD CONCEPT	GG	\$335	7616UJ	1	85.00
			<del>-</del>	GG	\$335	7616UJ	1	85.ØØ
754133	111402	JNOLAN	NOLAN 'S			200UJ	-i	175.00
754218	111802	JSOTHE	SOTHERBYS JEWELERS	MD	\$335			
754218	1118Ø2	JSOTHE	SOTHERBYS JEWELERS	MD	\$335	216UJ	-1	180,00
754468	112202	JCOUNT	COUNTRY CLUB JLRS	KM	\$335	201UJ	-	175,00
			DAN CASTELUCCI	JS	\$335	217UJ	1	180.00
754541	112502	JCASTE			\$335	203UJ	i	175,00
75491Ø	120402	JROSEØ	ROSE JLRS	FF				
755147	121002	JPEARL	PEARL EXPORTING CO	JJ	\$335	7616UJ	ţ	85.00
755288	121202	JJAYP0	JAY POSNER & SON	JS	\$335	2Ø4UJ	1	170.00
	121202	JJAYPO	JAY POSNER & SON	JS	\$335	2Ø5UJ		170.00
755288						21001	-1	123.75
755627	155005	JGOLFA	THE GOLD FACTORY JLRS.	JJ				
755656	155005	JZZZZZ	ROTHBERG & FEDERMAN PC	JJ	\$335	7616UJ	!	85.00
756113	011603	JUNITC	UCC TOTAL HOME	JK	\$335	7616UJ		81,75
	012203	JUNITO	UCC TOTAL HOME	JK	\$335	7616UJ	1	81.75
756195				JJ	\$335	200UJ	l	175,00
756282	012703	JERNCO	ERNCOL JLRY SHOP				į	175.00
756282	Ø127Ø3	JERNCO	ERNCOL JLRY SHOP	JJ	\$335	20103	!	
756282	Ø127Ø3	<b>JERNCO</b>	ERNCOL JLRY SHOP	JJ	\$335	202UJ	1	175.00
756282	012703	<b>JERNCO</b>	ERNCOL JLRY SHOP	JJ	\$335	2Ø3UJ	i	175.00
		JERNCO	ERNCOL JLRY SHOP	ĴĴ		2Ø4UJW	1	170,00
756282	012703				\$335	205UJW	i	170.00
756282	012703	JERNCO	ERNCOL JLRY SHOP	JJ	-			
756282	Ø127Ø3	JERNC0	ERNCOL JLRY SHOP	JJ		211UJ	!	165.00
756282	012703	<b>JERNCO</b>	ERNCOL JLRY SHOP	JJ		214UJ		133.00
756282	012703	JERNCO	ERNCOL JLRY SHOP	JJ	\$335	215UJ	1	133.00
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ERNCOL JLRY SHOP

ERNCOL JLRY SHOP

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76Ø197	090903	JGOLSP	GOLDSPEED.COM INC.	.1.1	\$365	7616UJ	ı	85.00
760231	Ø91ØØ3	JCOATS	COATS TOMBALL JLRY		\$365	214UJ	i	133,00
760236	091003	JFINJL		TV	\$365	21 <b>7</b> UJ	1	180.00
76Ø353	091603	JFINJL		TV	\$365	2Ø6UJ	l	155.00
760438	092203	JLONGI	LONG ISLAND CATHOLIC SUP		\$365	7616UJ	l I	85.00
76Ø554	Ø925Ø3	JZZZZZ	YAFA BLACK	JJ RE	\$365 \$365	213UJ 7616UJ	1 40	200.00 55.00
76Ø6Ø9 76Ø717	092903 09293	JSPORT JCLAST	SPORTMAN'S GUIDE INC CLASSIC SPECIALTIES INC.		\$365	7616UJ	שד 	85.00
760717	100303	JZZZZZ		JJ	\$365	2120J	i	200.00
76Ø781	100603	JLAPLC		SM	\$365	2Ø8UJ	I	165,00
760781	100603	JLAPLC	LAPLACA JLRS	SM	\$365	204UJ	ļ.	170.00
760914	101303	JCLAST	CLASSIC SPECIALTIES INC.		\$365	7616UJ 7616UJ		85, <b>00</b> 85,00
761Ø58 761146	102003 102003	JBEN 'S JJLYNO		TR JJ	\$365 \$365	212UJ	i	230.00
761146	102003	JJLYNO		JJ	\$365	00511111	1	170.00
761160	102103	JHARRF	FRED HARRIS	JJ	\$365	2050JW	1	175,00
761160	102103	JHARRF	FRED HARRIS FRED HARRIS FINAL FINISH	JJ	\$365	20 <del>1</del> 03	ı	170.00
761251	102303	JFINAL	FINAL FINISH	SM	\$365	214UJ	i !	133.00 165.00
761251	102303	JFINAL	FINAL FINISH FINAL FINISH AZAD'S WATCH REPAIR	SM	\$365 \$365	209UJ 204UJ	 	170,00
761251 761362	102303 102903	JFINAL JAZADS	AZAD'S WATCH REPATR	KM	\$365	7616UJ	í	85 ØØ
761382	102903	JOZZIE	OZZIE 'S D. EXCHANGE	TV	\$365	7616UJ	İ	85.00
761409	103003	JFAMIL	FAMILY TREASURES	SM	\$365	7616UJ	1	85.00
761452	110303	JGOCON	GOLD CONCEPT	GG	\$365	7616UJ	-	85,00
761606	110603	JWATTO	WATER TOWER CLOCK SHOP	JJ	\$365 \$365	7616UJ 216UJ	l i	85.00 180.00
761627	110603 110603	JSTEPA JSTEPA	STEPHAN ALLYN JLRS & CO STEPHAN ALLYN JLRS & CO		\$365	217UJ	i	180.00
761627 7621Ø8	112403	JSPORT	SPORTMAN'S GUIDE INC	RE	\$365	7616UJ	40	55,00
762130	112403	JBURNS	MOSES BURNSIDE	SM	\$400	2Ø8UJ	ţ	165,00
762130	112403	<b>JBURNS</b>	MOSES BURNSIDE	SM	\$400	7616UJ	l	50.00
762201	115603	JKOORE	DARRELL KOOREY 'S	SM	\$400	7616UJ	 	85.00 50.00
762311	120103	JTURPI	TURPINS AMERICA'S COLLECTIBLES	DC JS	\$400 \$400	7616UJ 7616UJ	i	58.00
762817 76288Ø	1212Ø3 1215Ø3	JAMERI JAMERI	AMERICA 'S COLLECTIBLES	JS	\$400	7616UJ	– i	58,00
762888	121503	JINDEC	INDEPENDENCE JLRY & COIN		\$400	7616UJ	1	85 , ØØ
763349	122203	JDONMC	DONALD MCGILL COMPANY	JJ	\$400	7616UJ	!	85.00
763613	010804	JJEWB0	JEWEL BOX AARON PAUL INC,	SM SK		203UJ 7616UJ	 	175.00 85.00
763778	Ø119Ø4	JAAROP JWORLD	WORLD JLRY IMPORTERS	5N .1.1	\$400	7616UJ	i	50.00
763865 7639Ø5	Ø123Ø4	JPOLLA	POLLAK JEWELERS	SM	\$400	7616UJ	ĺ	85.00
764090	013004	JZZZZZ	TIME & PARKING	JJ		2Ø4UJ	1	150.00
764Ø9Ø	013004	JZZZZZ	TIME & PARKING	JJ	\$400	206UJ	!	140.00
764446	Ø216Ø4	JROSEØ	ROSE JLRS	KB	\$400	51607 51407	1	133.00 85.00
764500	Ø218Ø4	JZZZZZ	NICOLE BUCHENAUER SPORTMAN'S GUIDE INC	JJ RE	\$4ØØ \$4ØØ	7616UJ	30	55.00
764686 764773	Ø3Ø1Ø <del>1</del> Ø3Ø4Ø4	JSPORT JPETEJ	PETER JEWELERS	TV	\$400	7616UJ	2	60.00
764851	030504	JPETEJ	PETER JEWELERS	JJ	\$400	7616UJ	-2	60,00
764852	030504	JPETEJ	PETER JEWELERS	JJ	\$400	7616UJ	2	60,00
764933	031004	JJLR&D	JEWELRY REPAIR & DESIGN		\$400 \$400	7616UJ 7616UJ	 	85,00 85,00
765012	031204	JJAYJL	JAY JEWELERS PORTOFINO JEWELRY	TD GG	\$400	7616UJ	i	85.00
765632 765979	Ø415Ø4 Ø5Ø5Ø4	JPORTO JJEWSH	CIMIRON JEWELRY CORP	SK	\$400	200UJ	i	175.00
765979	050504	JJEWSH	CIMIRON JEWELRY CORP	SK	\$400	2Ø1UJ	1	175.00
766046	050704	JSURFC	SURF CITY 5 & 10, INC.	JJ	\$400	7616UJ	!	85.00 05.00
766124	051204	JSMOKY	SMOKY MOUNTAIN JEWELERS		\$400 \$400	7616UJ 7616UJ	1 7Ø	85.00 55.00
766313	Ø521Ø4	JSPORT	SPORTMAN'S GUIDE INC WATCH GALLERY	RE GG	\$400	200UJ	) (J	175.00
766346 766346	Ø524Ø4 Ø524Ø4	JWATCG JWATCG	WATCH GALLERY	GG	\$400	20107	i	175,00
76637Ø	Ø525Ø4	JWATCG	WATCH GALLERY	GG	\$400	2Ø1UJ	-1	175.00
766423	Ø527Ø4	JUNITC	UCC TOTAL HOME	JK	\$400	7616UJ	- 1	85.00 85.00
766440	Ø527Ø4	JSURFC	SURF CITY 5 & 10, INC.	JJ MD	\$400 \$400	7616UJ 7616UJ	-  	85.00 85.00
766453 766455	Ø527Ø4 Ø528Ø4	JSTEPT JHRTDE	STEPTOES JLRY, HEARTS DESIRE	MD		7616UJ	i	85.00
766458	Ø528Ø4	JBURNS	JEWELS FOR YOU	SM		2Ø8UJ	1	165.00
766458	Ø528Ø4	JBURNS	JEWELS FOR YOU	SM		206UJ	!	155.00
766458	052804	JBURNS	JEWELS FOR YOU	SM		204UJ 200UJ	- I	170,00 175,00
766919	062204	JJEWSH	CIMIRON JEWELRY CORP	SK	ששדע	<u> </u>	'	, , , , ,

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## JULES JUKGENSEN

WATCHES

Since 1740

**YELBROS** Since 1913

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The New Tradition in Time

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178-837 5 797703 CUSTOMER NO. JGEMSO -R NO. GOLD AT **TERMS** SM INVOICE DATE CUSTOMER ORDER NO. SHIP VIA NET 30 DAYS 03/26/08 UP ITEM NO. B.O. DESCRIPTION **AMOUNT** TOTAL 207UJ JJ LDS VERDI 11 URBAN 116.25 116.25

> \*\*\* WE WILL NOT ACCUMINATIONS UNLESS AUTHORIZED \*\*\* >>> IF AUTHORIZED WE WILL SEND YOU A SPECIAL LABEL

>>> PC\$. WEIGHT AMOUNT FREIGHT PAY THIS AMOUNT TAX 1 116, 25 8.32 . 00 124.57

BERVICE CHARGE OF 11/2% PER MONTH L BE ADDED TO ALL PAST DUE INVOICES.

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CUSTOMER'S COPY

Please remit to: JULES JURGENSEN CORP P.O. Box 1150, Bala Cynwyd, PA 19004-1150

INVOICE NO. 797703

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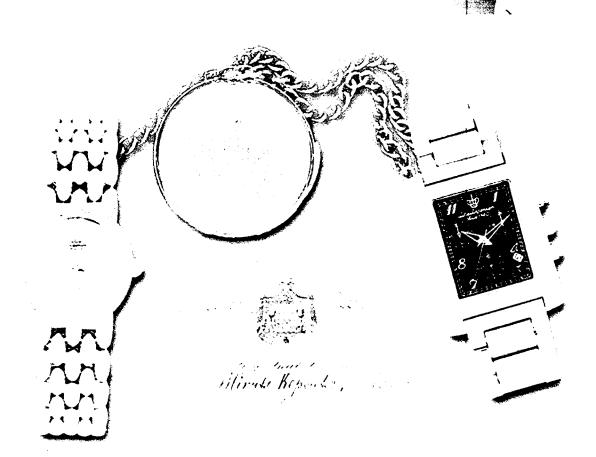
# JULES JÜRGENSEN Founded in Switzerland 1740















PLAINTIFF'S EXHIBIT



### STOCK PURCHASE AGREEMENT

STOCK PURCHASE AGREEMENT made this 25th day of July, 1974, by and among DOWNE COMMUNICATIONS, INC., a Delaware corporation ("Downe"), JULES JURGENSEN CORP., a New York corporation ("Jurgensen"), and RHAPSODY, INC., a Pennsylvania corporation ("Rhapsody").

WHEREAS, Downe is the owner of 200 shares (no par value) of the common stock of Jurgensen, representing all of the issued and outstanding capital stock of Jurgensen (the "Stock"); and

WHEREAS, Downe desires to sell and transfer the Stock to Rhapsody and Rhapsody desires to purchase and acquire the Stock from Downe, on the terms and conditions herein set forth.

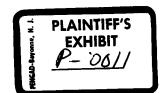
NOW, THEREFORE, the parties hereto agree as follows:

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### SECTION 1

### TRANSFER OF THE STOCK

On the terms and subject to the conditions set forth in this Agreement, Downe hereby transfers to



Rhapsody the certificate representing the Stock, which certificate has been duly assigned to Rhapsody, together with stock transfer stamps evidencing the payment of all required stock transfer taxes.

### SECTION 2

### PURCHASE PRICE

- 2.1 Amount. The purchase price for the Stock (the "Purchase Price") is the sum of Three Hundred Seventy-Five Thousand (\$375,000) Dollars.
- 2.2 <u>Payment</u>. (a) Seventy-Five Thousand (\$75,000) Dollars of the Purchase Price is being paid herewith by a certified check of Rhapsody or by a bank check, in either case drawn on New York Clearing House funds to the order of Downe;
- (b) The balance of the Purchase Price, Three Hundred Thousand (\$300,000) Dollars, is represented by two promissory notes (the "Notes"), each in the principal amount of \$150,000 which are being delivered to Downe herewith, which are payable to the order of Downe and have been signed by Rhapsody and Jurgensen as co-obligors. The Notes are in negotiable

form and are non-interest bearing. The principal amount of the Notes shall be due and payable on January 25, 1975 and February 25, 1975, respectively. The Notes shall be secured as set forth in Section 3 hereof.

#### SECTION 3

# SECURITY FOR OBLIGATIONS OF RHAPSODY AND JURGENSEN

- security for the prompt and unconditional payment of the Notes by Rhapsody and Jurgensen, and the performance by Rhapsody and Jurgensen of each of their other obligations and duties hereunder (including, but not limited to costs and reasonable attorneys' fees incurred by Downe in the collection, whether by suit or other means, of the Notes or in the enforcement of any other obligation of duty of Rhapsody or Jurgensen hereunder), the following security interests are hereby granted to Downe:
  - (a) Rhapsody hereby grants to Downe a first security interest in all of the

Jurgensen, in furtherance of which Rhapsody
herewith delivers to and pledges with
Downe a common stock certificate of Jurgensen
issued in the name of Rhapsody representing
all of the issued and outstanding capital
stock of Jurgensen, which certificate is
accompanied by an assignment endorsed in
blank which is separate therefrom, such
certificate to be redelivered to Rhapsody by
Downe upon the satisfaction of all of the
obligations of Rhapsody and Jurgensen hereunder;

(b) Jurgensen hereby grants to Downe a first security interest in and to the name Jules Jurgensen and all of its right and title thereto and interest therein and goodwill in connection therewith and herewith delivers to Downe such executed financing statements, assignments and other documentation as shall be required to perfect the security interest herein granted;

all of the foregoing being collectively referred to as the "Collateral Security."

Enforcement of Security Interests. Downe shall have, with respect to the Collateral Security, all of the rights of a secured party under the New York Uniform Commercial Code. The parties agree that ten (10) days' notice of any exercise of any rights by the secured party under the New York Uniform Commercial Code or otherwise is commercially reasonable. The parties acknowledge that the Federal securities laws may prevent the public offer or sale of that part of the Collateral Security which is composed of "securities" and accordingly agree that it shall be commercially reasonable to sell such portion privately to one or to a limited number of purchasers although the same may result in a lesser purchase price than could have been realized by a sale in some other manner. In the event of a default hereunder, Downe shall be entitled to exercise all rights with respect to the Collateral Security as if and to the same extent as the owner thereof. Rhapsody and Jurgensen hereby agree to sign and have filed all financing statements and other instruments at any time necessary to perfect the security interests in the Collateral Security, upon the request of Downe. Upon their failure to do so after reasonable request by Downe, the officers

of Downe are authorized to sign the same on behalf of Rhapsody and/or Jurgensen.

### SECTION 4

# CERTAIN ASSETS AND LIABILITIES OF JURGENSEN

On or before the date of this Agreement:

- (a) Jurgensen has assigned to Downe or its designee all of its cash, bank accounts and other cash items.
- (b) Jurgensen has assigned to Downe or its designee all of the trade accounts receivable, including but not limited to those set forth on Schedule 4(b), and other receivables of every description, of Jurgensen outstanding on or before the date of this Agreement.
- (c) Jurgensen has assigned to Downe or 6/40 its designee all of its right and title to, and interest in, its collection of antique watches and all documentation and memorabilia in connection therewith except as set forth an Schedule 4(c).
- (d) Jurgensen has assigned to Downe or its designee all of Jurgensen's furniture and fixtures, except for the items used in

connection with watch repairs set forth on Schedule 4(d) hereto.

- (e) Jurgensen has assigned to Downe or its designee all of its rights under a certain agreement dated the 18th day of December, 1972 by and among Jurgensen, its former subsidiary Vulcain Watch Co. of North America, Inc. (name changed to Downe Watch Co., Inc.), Edmart Watch Co., Inc. (name changed to Vulcain Watch Co. of North America, Inc.) and Victor Huff, together with all of its right and title to and interest therein and to the promissory notes thereunder and the collateral security for said promissory notes.
- any and all obligations to Downe and Downe's other subsidiaries, and Jurgensen has similarly released Downe and such other subsidiaries; not including in either case, however, the obligations of Downe and Jurgensen under this Agreement.
- (g) Downe has caused Jurgensen to be released from a certain guarantee agreement relating to the obligations of Downe to First

and First National City Bank

National Bank of Chicago under a credit agreement dated May 15, 1974.

- With the exception (i) of any and all warranty liabilities and (ii) the purchase commitments set forth on Schedule 4(h), which Downe is expressly not assuming, Downe has assumed all of the other liabilities of Jurgensen outstanding on the date of this Agreement, including the other purchase commitments of Jurgensen and the rights and obligations under a lease to which Jurgensen is a party for its premises at 352 Park Avenue South, New York, New York, and has agreed to satisfy the Liabilities in accordance with the terms thereof (the "Liabilities"). Rhapsody and Jurgensen agree to use their best efforts to induce the suppliers under the purchase commitments being assumed by Downe pursuant hereto to release Downe therefrom without expense to Downe.
- (i) Jurgensen has assigned and delivered to Downe all of the inventory of Jurgensen on the date hereof (the "Assigned Inventory"), which however does not include the inventory of Jurgensen set forth on Schedule 4(i) hereto (the "Retained Inventory"). The Retained Inventory has been selected by Rhapsody and the

aggregate cost thereof to Jurgensen as per Jurgensen's original cost worksheets does not exceed \$375,000. Downe agrees to deliver the portion of the Retained Inventory located in New York City to Jurgensen F.O.B. 712 Chestnut Street, Philadelphia, Pennsylvania. The balance of the Retained Inventory, which is located in Switzerland, shall not be further delivered by Downe, but Downe shall reimburse Rhapsody and Jurgensen for the costs incurred by them for duty and freight in having the same delivered to 712 Chestnut Street, Philadelphia, Pennsylvania, which reimbursement shall be made upon receipt by Downe of paid bills on other suitable evidence of expenditures for such items. Jurgensen and Rhapsody agree to provide Downe with any and all documentation reasonably requested by Downe to enable Downe to take possession of any and all of the Assigned Inventory which is not in the physical possession of Downe on the date hereof.

(j) Jurgensen has assigned to Downe or its designee all of its interest in any and

all sums due and payable to Jurgensen (i) by
the United States of America as a repayment
of previously collected import duties, and
(ii) by any and all governmental authorities
as a repayment of previously collected taxes.

(k) Jurgensen has assigned to Downe or its designee all of its right and title to, and interest in, the registered trademark Optcom I

### SECTION 5

### DISPOSITION OF INVENTORY BY DOWNE

the date hereof, Downe shall hold the Assigned Inventory for disposition in accordance with the following provisions.

Downe may sell some or all of the Assigned Inventory from time to time to one or more purchasers on such terms as are satisfactory to it, all in its sole discretion, provided, however, that Downe shall give prior written notice to Rhapsody specifying any of the Assigned Inventory which Downe desires to sell, and Rhapsody shall have the right for five days following such notice to purchase such of the Assigned Inventory as is described in the notice for a sum equal to the cost of such inventory to Jurgensen as per Jurgensen's original cost worksheets, said purchase price to be payable

to Downe in cash during said five day period but not there-

Returned Inventory. If any merchandise is returned to Jurgensen, the sale of which gave rise to an Account Receivable, as such term is defined in Section 6.1 hereof, and the return of which is made in accordance with the inventory balancing policy of Jurgensen in effect at the time of the sale thereof (returns meeting all of the foregoing requirements being hereinafter referred to as "Returned Inventory") the Returned Inventory shall be Downe's property and shall be promptly delivered to a location designated by Downe. Downe may sell some or all of the Returned Inventory from time to time to one or more purchasers on such terms as are satisfactory to it, all in its sole discretion. Notwithstanding the foregoing provisions of 11/40 this subsection 5.2, Rhapsody shall have the right, for five days following its initial receipt of any Returned Inventory, to purchase some or all of the same by giving notice to Downe of the items it will purchase, the purchase price of which shall be a sum equal to 80% of the cost of such items to Jurgensen as per Jurgensen's original cost worksheets, the purchase price to be payable to Downe in cash during said five day period but not thereafter. Downe shall retain its ownership of all Returned Inventory unless and until the same is paid for in accordance with the provisions of the preceding sentence.

- the option to purchase any of the Assigned Inventory or Returned Inventory on hand at June 30, 1975 from Downe at a purchase price of 50% of the cost of such Assigned Inventory or Returned Inventory to Jurgensen as per Jurgensen's original cost worksheets. This option, which may be exercised on one occasion only, shall be exercised by notice from Rhapsody to Downe given on or after July 1, 1975 and on or before July 30, 1975. Said notice shall specify those items of Assigned Inventory or Returned Inventory which Rhapsody desires to purchase and shall be accompanied by payment therefor in cash.
- 5.4 <u>Use of Name Jules Jurgensen</u>. Anything in this Agreement to the contrary notwithstanding, Downe shall be entitled to use the name Jules Jurgensen as if it was the owner thereof for the following purposes, but for no other purpose whatsoever:

- (i) In connection with the collection of the Accounts Receivable;
- (ii) In connection with the advertisement and sale of the Assigned Inventory,
  up to June 30, 1975;
- (iii) In connection with the advertisement and sale of any of the Returned Inventory, up to June 30, 1975; provided, however, that said name may be used for the

advertisement and sale of any Returned Inventory for a period of up to 120 days following the receipt thereof by Downe, although said 120 day period ends after June 30, 1975;

- (iii) In connection with the advertisement and sale of the antique watch collection referred to in Section 4 hereof, without limitation of the time of such use.
- ment and sale of any merchandise purchased by

  Downe pursuant to any purchase commitments assumed

  by Downe pursuant to subsection 4(h) hereof, up

  to June 30, 1975; provided, however, that said name

  may be used for the advertisement and sale of any

  of such merchandise for a period of up to 180 days

  following the receipt thereof by Downe, although

  said 180 day period ends after June 30, 1975.

debtor for any portion of the Accounts Receivable, as defined in subsection 6.1 hereof, desires to return any merchandise to Jurgensen the sale of which gave rise to a portion of the Accounts Receivable, and which return is not in accordance with the inventory balancing policy in effect at the time of sale of such merchandise, then Jurgensen may discuss with Downe the basis on which such merchandise may be returned, but if, in the absence of Downe's written agreement concerning the same, Jurgensen accepts the return of such merchandise

Jurgensen shall, no later than two days following such return, pay to Downe in cash a sum equal to the portion of the Accounts Receivable to which such returned merchandise relates.

### SECTION 6

# COLLECTION OF ACCOUNTS RECEIVABLE

- Accounts Receivable. As set forth in Section 4(b) hereof, Jurgensen has assigned to Downe or its designee all of its trade accounts receivable created on or before the date hereof, which are hereinafter collectively referred to as the "Accounts Receivable." An Account Receivable is deemed created on the date on which the inventory which has been sold is delivered by Jurgensen to a carrier for delivery. It is of paramount importance that the Accounts Receivable be collected and paid to Downe or its designee as completely as possible. It is the intent of the parties to this Agreement that these payments shall be made as promptly as possible and under no circumstances shall Rhapsody or Jurgensen encourage the payment by any customer of its obligations accruing hereafter to Rhapsody or Jurgensen in lieu of the payment of its prior obligations represented by any portion of the Accounts Receivable.
  - 6.2 <u>Collection of Accounts Receivable</u>. Rhapsody and Jurgensen hereby agree to supply to Downe copies of any and all records of Accounts Receivable in the possession

of such companies. Furthermore, Jurgensen shall, from and after the date hereof, clearly indicate on the records of its customers the date of this Agreement in order that all balances due and owing as of the date hereof shall be clearly shown. Rhapsody and Jurgensen hereby agree to use their best efforts to assist Downe in the collection of the Accounts Receivable for a period of one year from the date hereof, including such actions as Rhapsody or Jurgensen customarily take in the collection of their accounts receivable. Rhapsody and Jurgensen further agree that Downe, at Downe's expense, may have one or more employees of Downe assigned to the premises of Rhapsody and Jurgensen for a period of one year from the date hereof, which persons shall be permitted access to all information and activities with respect to the collection of the Accounts Receivable during customary business hours, including the receipt of monies from the customers of Jurgensen. The representatives of Downe, with the reasonable concurrence of Rhapsody 15/40 and Jurgensen, shall be entitled to contact account debtors and/or authorize outside collection efforts at Downe's expense; provided, however, that no account debtor shall be sued by Downe unless and until the Account Receivable due from such account debtor shall be delinquent for a period of at least Rhapsody and Jurgensen shall perform their duties hereunder without expense to Downe, except that Downe shall reimburse them for any expenses incurred by them for the following services, if requested by Downe: computer printouts, legal and collection agency services, and visits to account debtors.

6.3 Payment of Accounts Receivable. Any monies received by Rhapsody or Jurgensen from an account debtor of any Account Receivable, whether designated as payment of all or part of said Account Receivable or in payment of another obligation, shall be promptly remitted to Downe by depositing the same on a daily basis in a Philadelphia, Pennsylvania bank account designated by Downe. Rhapsody shall provide Downe with a monthly report of collections of Accounts Receivable, within ten days after each calendar month. If any monies payable to Downe or its designee in accordance with the foregoing provisions are accompanied by a writing of the account debtor stating that the account debtor disputes part or all of said Account Receivable, then and in that event, Downe shall hold such monies in a separate escrow account pending a resolution of said dispute.

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### SECTION 6A

### WARRANTY LIABILITIES

Downe shall make available to Rhapsody and Jurgensen the sum of \$60,000 (the "Credit") in consideration of Jurgensen's performance of its warranty liabilities. The Credit may be used by Rhapsody, in whole or in part, in satisfaction of any sums which may be due and payable by Rhapsody to Downe pursuant to subsections 5.1 or 5.2 hereof, and any portion of the Credit not so used by Rhapsody on or before February 25, 1975 shall be payable in cash by Downe to Rhapsody on such date.

#### SECTION 7

### REPRESENTATIONS AND WARRANTIES OF DOWNE

Downe hereby represents and warrants as follows:

- 7.1 <u>Corporate Status of Jurgensen</u>. Jurgensen is a corporation organized and in good standing under the laws of the State of New York. There are no other jurisdictions wherein its failure to qualify as a foreign corporation would have a material adverse effect on its business or assets.
- 7.2 Capitalization. Jurgensen has an authorized capital stock consisting of 200 shares of common stock, no par value, of which 200 shares have been issued and are outstanding. There are no options, calls or commitments of any kind relating to the capital stock of Jurgensen. The Stock (as defined in Section 1 hereof) represents all of the issued and outstanding shares of capital stock of Jurgensen. The Stock is owned by Downe, free and clear of all liens, encumbrances, equities, and claims whatsoever, except for a lien of First National City Bank and the First National Bank of Chicago which is being released simultaneously with the execution and delivery of this Agreement.
- 7.3 <u>Subsidiaries</u>. Jurgensen owns all of the outstanding capital stock of Cromwell International, Inc. a Guam corporation.
- 7.4 <u>Litigation</u>. There is no litigation at law or in equity, and no proceedings before any commission,

arbitration tribunal, or other administrative or regulatory authority, pending, or to the knowledge of Downe threatened, against Jurgensen or its business or property.

- 7.5 <u>Inventories</u>. Jurgensen has good title, free and clear of all liens and encumbrances, to all of the Retained Inventory.
- 7.6 Tax Returns. Jurgensen has filed all Federal, state and other tax returns required to be filed by it and has paid all taxes shown to be due and payable thereon and any additional tax assessments received by it. Rhapsody authorizes Downe to deal directly with the Federal, state and other taxing authorities concerning the examination of tax returns filed by Jurgensen for any period up to the date hereof.

#### SECTION 8

REPRESENTATIONS AND WARRANTIES OF RHAPSODY

Rhapsody hereby represents and warrants as follows:

- 8.1 <u>Corporate Status</u>. Rhapsody is a corporation duly organized, validly existing, and in good standing under the laws of the State of Pennsylvania.
- 8.2 <u>Authorization</u>. The execution, delivery and performance of this Agreement have been duly authorized by all necessary and appropriate corporate action of Rhapsody and the consummation of the contemplated transactions herein by Rhapsody do not conflict with or result in

a breach or termination of or constitute a default under any of the terms, provisions, or conditions of the certificate of incorporation or by-laws of Rhapsody or any statute, regulation, or court or administrative order or process, or any agreement or instrument to which it is a party or by which it or its property is bound.

- 8.3 <u>Validity of the Notes</u>. The Notes have been validly and lawfully issued by Rhapsody and Jurgensen and represent the valid and lawful obligations of Rhapsody and Jurgensen, enforceable in accordance with their terms.
- livered to Downe its balance sheet as of may 2 1 , 197 (hereinafter referred to as the "Balance Sheet"). The Balance Sheet fairly presents the financial position, assets and liabilities of Rhapsody as of such date, in accordance with generally accepted accounting principles consistently applied. Rhapsody has good and marketable title to all of the properties and assets reflected in the Balance Sheet, subject to no mortgages, liens, or encumbrances of any kind, whatsoever, except as noted therein. All of Rhapsody's liabilities, whether accrued, absolute, contingent, or otherwise, are disclosed or fully reflected or reserved against in the Balance Sheet or the notes thereto.

- 8.5 Absence of Certain Changes. Since the date of the Balance Sheet, there has not been:
  - (i) any change in the condition
    (financial or otherwise), assets, liabilities or business of Rhapsody other
    than changes in the ordinary course of
    business, none of which has been materially
    adverse;
  - (ii) any damage, destruction or loss
    (whether or not covered by insurance),
    materially and adversely affecting the business or property of Rhapsody; or
  - (iii) any declaration, setting aside or payment of any dividend or other distribution in respect of any of the shares of Rhapsody stock or any redemption, purchase, or other acquisition of such shares or any agreement to do any of the foregoing.

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8.6 <u>Litigation</u>. There is no litigation at law or in equity, and no proceedings before any commission, arbitration tribunal, or other administrative or regulatory authority, pending, or to the knowledge of Rhapsody threatened, against Rhapsody or its business or property.

#### SECTION 9

## AFFIRMATIVE COVENANTS OF RHAPSODY

So long as there are outstanding any obligations of Rhapsody or Jurgensen to Downe hereunder, Rhapsody shall:

- 9.1 Financial Information. Deliver to Downe promptly after a written request therefor, such financial data or information relating to Rhapsody or Jurgensen as Downe may reasonably request from time to time, which information will be maintained on a confidential basis by Downe.
- 9.2 Copies. Promptly on receipt thereof, deliver to Downe copies of any financial statements or management reports submitted to Rhapsody or Jurgensen by their accountants in connection with any annual or interim audit of their books.

- 9.3 Books of Account. Keep, and cause Jurgensen to keep, proper and accurate books of account.
- 9.4 Properties. Cause Jurgensen to maintain, in good repair, working order and condition, subject to normal wear and tear, all of the properties and assets from time to time owned by Jurgensen and all reasonable repairs, replacements, additions, and improvements thereto.

- 9.5 Corporate Existence. Do or cause to be done all things necessary to preserve and keep in full force and effect and good standing the corporate existence of Rhapsody and Jurgensen and all franchises, rights and privileges necessary for the proper conduct of business of Jurgensen.
- Jurgensen to pay and discharge, all of their respective obligations and liabilities, including, without limitation, all taxes, assessments and governmental charges upon income and properties, when due, unless and to the extent only that such obligations, liabilities, taxes, assessments and governmental charges shall be contested in good faith and by appropriate proceedings and then only to the extent that a bond is filed in cases where the filing of a bond is necessary to discharge a lien against any of their properties.
- 9.7 <u>Insurance</u>. Maintain with responsible insur- 22/40 ance companies insurance on the properties and business of Rhapsody and Jurgensen in adequate amounts and against such risks as are customarily insured.
- 9.8 <u>Conduct of Business</u>. Conduct, and cause Jurgensen to conduct, their businesses in the ordinary course.
- 9.9 Adverse Events. Promptly notify Downe of any event which is materially adverse to either of Rhapsody or Jurgensen.

9.10 Assigned Assets. Supply all authorizations which Downe may reasonably request to enable Downe to take possession of any of the assets assigned to Downe by Jurgensen pursuant to Section 4 hereof (the "Assigned Assets") and to promptly deliver to Downe any of the Assigned Assets which are, or which come into, the possession of Rhapsody or Jurgensen.

#### SECTION 10

#### NEGATIVE COVENANTS OF RHAPSODY

So long as there are outstanding any obligations of Rhapsody and Jurgensen to Downe for the payment of the Notes hereunder, Rhapsody shall not:

- 10.1 Borrowing. Permit Jurgensen to create, incur, assume or suffer to exist any liability for borrowed money.
- to create, incur, assume or suffer to exist any mortgage, pledge, lien or other encumbrance of any kind (including a charge upon property purchased under conditional sales or other title retention agreements) upon, or any security interest in, any of its property or assets, whether now owned or hereafter acquired, except (i) liens for taxes not delinquent or being contested in good faith and by appropriate proceedings, (ii) liens in connection with workmen's compensation, unemployment insurance or other social security obligations, (iii) deposits or

pledges to secure bids, tenders, contracts (other than contracts for the payment of money), leases, statutory obligations, surety and appeal bonds and other obligations of like nature arising in the ordinary course of business, (iv) mechanics', workmen's, materialmen's or other like liens arising in the ordinary course of business with respect to obligations which are not due or which are being contested in good faith and (v) any lien imposed by this Agreement.

- Permit Jurgensen to enter into any merger or consolidation or acquire all or substantially all the assets of any person, firm, joint venture or corporation, or sell, lease, or otherwise dispose of any of its assets except in
- 10.4 Loans and Investments. Permit Jurgensen to make loans or advances to or investments in any person, firm, joint venture or corporation.

24/40

the ordinary course of its business.

assume, guarantee, endorse, contingently agree to purchase or otherwise become liable upon the obligation of any person, firm, joint venture or corporation, except by the endorsement of negotiable instruments for deposit or

collection or similar transactions in the ordinary course or business.

- Jurgensen to declare any dividends on any shares of its capital stock, or apply any of its property or assets to the purchase, redemption or other retirement of, or set apart any sum for the payment of any dividends on, or for the purchase, redemption or other retirement of, or make any other distribution by reduction of capital or otherwise in respect of, any shares of any class of its capital stock or to acquire any shares of capital stock of Rhapsody.
- 10.7 <u>Sale of Stock</u>. Sell or otherwise dispose of any shares of capital stock of Jurgensen or permit Jurgensen to issue any additional shares of its capital stock or to create any options, calls or other commitments thereon.

- 10.8 <u>Dissolution</u>, etc. Dissolve or liquidate or permit Jurgensen so to do.
- Rhapsody or Jurgensen or any involuntary attachment or lien against their property for any amount in excess of \$10,000 to remain unpaid, unstayed on appeal, undischarged, unbonded or undismissed for a period of 15 days.

#### SECTION 11

#### EVENTS OF DEFAULT

If one or more of the following events of default shall occur, the Notes shall become and be immediately due and payable upon notice thereof by Downe, and Downe shall have any and all rights in connection with this Agreement including, but not limited to, the rights described in Section 3 hereof:

- (a) Default shall be made in the payment of the Notes.
- (b) Default shall be made in the due observance or performance of any term, covenant or agreement contained in Section 9 hereof and such default shall have continued unremedied for a period of 10 days after written notice thereof specifying such default and requiring it to be remedied.
- (c) Default shall be made in the due ob- 26/40 servance or performance of any other term, covenant or agreement contained in this Agreement.
- (d) If any representation or warranty made by Rhapsody herein, or any statement or representation made in any certificate, report or opinion delivered pursuant hereto proves to be incorrect in any material respect when made.

- (e) Rhapsody or Jurgensen becomes in breach of any obligation under any financing or credit agreement to which any of them is a party.
- assignment for the benefit of creditors, files a petition in bankruptcy, is adjudicated insolvent or bankrupt, petitions or applies to any tribunal for any receiver or trustee for any substantial part of their property, commences any proceeding under any reorganization, arrangement, readjustment of debt, dissolution or liquidation law or statute, or if any such proceeding is commenced against Rhapsody or Jurgensen which remains undismissed for a period of 30 days, or if any receiver or trustee appointed for Rhapsody or Jurgensen or their property continues undischarged for a period of 30 days.

27/40

#### SECTION 12

#### OTHER INSTRUMENTS

The parties hereto hereby agree to execute any and all other instruments, documents, assignments, certificates and other writings of every kind and/or take such further actions as are reasonably necessary or proper to carry out the terms of this Agreement.

#### SECTION 13

#### ASSIGNABILITY

This Agreement shall inure to the benefit of and shall be binding upon Downe and its successors and assigns. This Agreement shall inure to the benefit of and shall be binding upon Rhapsody and Jurgensen and their respective legal representatives and successors but shall not be assignable by any of them.

#### SECTION 14

#### NO BROKERS

Downe and Rhapsody represent, warrant, and agree that they have not engaged any broker or any other person who would be entitled to any brokerage fee or commission in respect of the execution of this Agreement or the consummation of the transactions contemplated hereby. Rhapsody shall exonerate, indemnify and hold harmless Downe against all claims, losses, liabilities, or expenses (including reasonable attorneys' fees) which may be asserted against Downe by any broker or other person on the basis of any arrangement or arrangement made or alleged to have been made by Rhapsody. Downe shall exonerate, indemnify and hold harmless Rhapsody against all claims, losses, liabilities or expenses (including reasonable attorneys' fees) which may be asserted against Rhapsody by any broker or other person on the basis of any arrangement or agreement made or alleged to have been made by Downe.

#### SECTION 15

#### INDEMNIFICATION BY DOWNE

- agrees that it will indemnify and save and hold Rhapsody harmless from and against any damage, liability, loss, or deficiency arising out of, or resulting from, and will pay Rhapsody the full amount of any sum or sums which Rhapsody may pay or become obligated to pay on account of Downe's failure to satisfy the Liabilities of Jurgensen, as set forth in Section 4 hereof.
- against Rhapsody or Jurgensen which would give rise to the right of indemnification hereunder, Rhapsody shall promptly give Downe written notice of such claim, and Downe shall have the right (at its sole cost and expense) to contest 29/40 such claim, and in connection therewith Rhapsody shall make available to Downe all books and records of Jurgensen as may be required in order to contest such claim. Rhapsody shall have the right to participate in the defense of any such claim at its own expense.

#### SECTION 16

#### NOTICE

Any notices required or permitted to be given hereunder shall be made in writing and shall be deemed

given when delivered to the parties or when mailed to the addresses of the parties set forth below by depositing the same, properly addressed and postpaid, in a depository under the exclusive custody of the United States Postal Service:

#### (a) If to Downe:

Downe Communications, Inc. 641 Lexington Avenue New York, New York 10022

Attention: President

#### Copy to:

Eric M. Javits, Esq.
Javits & Javits
1345 Avenue of the Americas
New York, New York 10019

## (b) If to Rhapsody or Jurgensen

Rhapsody, Inc. 712 Chestnut Street Philadelphia, Pennsylvania 19106

30/40

#### Copy to:

Samuel Lander, Esq. 1620 Philadelphia National Bank Building Philadelphia, Pennsylvania 19107

#### SECTION 17

#### WARRANTIES SURVIVE

All warranties and representations made by or on behalf of the parties in this Agreement or in any

document required to be delivered hereunder shall survive and continue in effect for a period of one year from the date hereof.

#### SECTION 18

#### NO WAIVER

No failure to delay in exercising any right or covenant hereunder shall operate as waiver thereof or of any other right or covenants hereunder.

#### SECTION 19

#### MISCELLANEOUS

This Agreement was negotiated and entered into and is to be governed by and construed in accordance with the laws of the State of New York. All of the captions set forth herein are provided for convenience only and do not constitute a part of the Agreement. This instrument 3/40 contains the entire understanding of the parties and there are no other representations or warranties which have been made in connection herewith. This Agreement may be modified only in writing, which writing shall be signed by the party or parties against whom such modification is sought to be enforced. This Agreement may be executed in

several counterparts which together shall constitute a single instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement by their representatives duly authorized on the day and year first above written.

DOWNE COMMUNICATIONS, INC.

By A. A. Joughk, V.P. & Treasures

JULES JURGENSEN CORP.

By A. D. Janglik, Treasures

RHAPSODY, INC.

32/40

By

#### SCHEDULE 4(c) to Stock Purchase Agreement dated July 25, 1974

One framed painting of Jules Jurgensen
One small bust of Jules Jurgensen

One bust of Urban Jurgensen

## Schedule 4(d) to Stock Purchase Agreement dated July 25, 1974

11	Tool cabinets
6	Material cabinets
7	Large supply cabinets
3	Plastic crown cabinets
5	Plastic crystal cabinets
1	Cabinet for solutions
8	Watchmaker benches
7	Benches for casers (one long bench)
14	Lamps
17	Chairs
4	Wooden tables
3	Metal tables
	Various tools

W.S.

Advertising material bearing the name Jules Jurgensen consisting of, but not necessarily limited to, the following:

- a. Tags, seals and quarantees
- b. Catalog sheets
- .c. In counter displays and pads
  - d. Instruction booklets
  - e. Salesmen's display trays and bags

Stationery and office supplies imprinted with the Jules Jurgensen name such as the following:

- a. Letterhead
- b. Order Blanks
- c. Purchase orders
- d. Invoice forms
- e. Envelopes

MC

Dials and repair parts as follows:

- a. Dials bearing the Jules Jurgensen name
- b. Repair parts on hand
- c. Repair parts on order

# Schedule 4(h) to Stock Purchase Agreement dated July 25, 1974

Style		• .	
Number	Quantity	Cost	Total <u>Cost</u>
4002	54	\$ 49.84	\$ 2691.36
5013 F.E.	50	95.00	4750.00
5076	100	39.84	3984.00
5082	100	38.10	3810.00
5083	25	37.28	932.00
5137	40	45.85	1834.00
	Total wate	ches	\$18001.36
5½ ligne movements	2989	11.46	34253.94
	Total comm	nitments	\$ <u>52255.30</u>

MULL S

#### Schedule 4(i) to Stock Purchase Agreement dated July 25, 1974

<u>Styl</u>	<u>e #</u>	Commitment	Swiss Inv.	N.Y.Inv.	Total Units	Cost	Total <u>Cost</u>
:					•,		
(Murdock)				3	3		trafic <del>se</del> trae 🛊
	3480			103	103		
	3481	,		24	24		
	3482 3483			35	35		
	4000			23	23		
	4000	•		66	66		
	4001	E A .		114	114		
	4003			43	97		
	4006	(with Band)	585	100	100		
	4010	(with Band)	377	228 -	813 377		
	4012		56	30	86		
	4013	(**=***********************************	30	12	12		
	4017			379	379		
·	4018	(with Band)		200	200		
	4020	(with Band)	494	_	494		
	4024		676	_	676		
	4026		0,0	211	211		
	4028			270	270		
	4034			2	2		
,	4036			ī	1		
	4037			219	219		
	4041			200	200		
	4042	(Brown Strap)	191	79	270		
	4043	·	128	72	200		
	4048			1	1		
	4049			1	ī		
	4055	,		ī	1		
	4058			1	1		
	4059				2		
·	4060			2 1	1		
	4062			1	1		
	4081			1	1		
	5000	•		. 12	12		
•	5001		•	1	1		
	5002			98	98		27/1/2
	5003			43	43		37/40
	5010		•	100	100		
	5011	_		113	1.13		
LCD	5013	F.E. <u>50</u> ⊀		50	100		
	5018			30	30		
<b>01.11</b>	5020			138	·138		
Sheldon	5026		•	82	82		
	5036			344	344		
·	5067	<i>1</i>		74	74		
	5068	(Suede Strap)		7	7		
	5069			513	513		
	5070	$\widehat{}$		152	152		
	507/	. ]	•	27	27		
11.	50/12	10		49	49		
	' 11	1 1					

\* See Schedule 4(h)

•	5073		•			•	•
	5074			108	108		
	5075			114	114	•	
	5076	100 *		112	112		
	5077			. 6	106		
	5078			148	148		
	5079	•		219	219		•
*	5080			201	201		
	5081			124	124		
	5082	100*		50	50		
	5083	- <del>100</del>	•	. 2	102		
	5084	<del>- 43</del> "		92	117 -		
	5086	•		108	108		
	5088	•		88	88		
	5094			205	205		
mon)	5100	•	•	37	37		
	5102			389	<b>3</b> 89		
	5103			14	14		
	5104		•	10	10		
	5105		•	<b>5</b> 5	55		
	5120	•		5	. 5		
•	5121			· <b>5</b>	5		
rono)	5137	, .*		5	- 5		
$\bigcap_{1}$	5481	<del>-40-</del>	314	-	354 .		
siah)	5766			16	16		
√son)	5945			12	12		
vson)	5946			100	100		
ner)	5952			76	76		
:son)	5992			11	11		
.as)	6071			10	10		,
.as)	6072			25	25		38/40
ındish	1)6551			29	29		- / /
ton)	6561			12	12		
r)	6666			2	2		
den)	6771		$\widehat{\cdot}$	3	3		
ver)	6851	//	' /	14	1.4		
ille)		[ [ ] [ ] [ ]	/ _	10	10		
neth)	7836	1111	L	2.	. 2		
	8745	1/00	T	1	1		
İ	8746	V	•	26	26		
	8756	•		36	36		
n)	-	•		27	27		
				22	22		
(							

Total Completed Watches

Total

JULES JURGENSEN CORPORATION Movement Inventory Sold to Rhapsody, Inc. July 19, 1974

Unit			
Total Units	1074 503 3139	1952	, 745 225 519 843 342
N.Y. Inv.	1074 503	1952	745 225 519 843 342
Swiss Inventory	150		
Commitment	* 6862		
Standard Beat		`	)))))
en En ul (1) (0) ul (1) 1)	11		dia.) dia.) sen) (white dia
Calibre	· · · · · · · · · · · · · · · · · · ·	3 3/4	11½ (16 dia 11½ (12 dia 11½ (Jensen 11½ thin (w
#	1977 1977 1977		7056 1881 1746 7050 7050

Total Movements

Total Watches

Total Sale

Khapsody

Manufacturing Jewelers - Diamond Importers

730-32 Chestnut Street Philadelphia, Pa. 19106

## EALANCE SHEET AS OF MAY 31, 1974

ASSETS		
Cash in banks		
Bank Certificates of Deposits		
Accounts Receivable	•	
Notes Receivable		
Inventory		
Other Assets		
Total Assets		40
LIABILITIES		, -
Accounts Payable		
Unpaid whithholding taxes		
Net worth		
Total		
	÷	

TREASURER Loberta Claymon

WHEREAS, JULES JURGENSEN CORPORATION, a corporation incorporated under the laws of the State of New York and doing business at 712 Chestnut Street, Philadelphia, Pennsylvania, has adopted and used in its business a trademark, which is registered under No. 285,956, dated August 11, 1931, in the United States Patent Office; and

WHEREAS, DOWNE COMMUNICATIONS, INC., a corporation incorporated under the laws of the State of Delaware and doing business at 641 Lexington Avenue, New York, N.Y., is desirous of acquiring said mark and the registration thereof:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, said JULES JURGENSEN CORPORATION by these presents does sell, assign, and transfer unto the said DOWNE COMMUNICATIONS, INC. the entire right, title, and interest in and to the said trademark and the registration thereof, No. 285,956, together with the goodwill of the business in connection with which the said mark is used, and all rights to recover for past infringement thereof.

JULES JURGENSEN CORPO

By Cometh & Hallandawath Pres

STATE OF NEW YORK )

COUNTY OF NEW YORK )

PLAINTIFF'S EXHIBIT

BEFORE me personally appeared Kenneth P. Hollundow to me known and known to me to be the President of JULES JURGENSEN CORPORATION, described in the above Assignment, who signed the foregoing instrument in my presence and made

Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, said JULES JURGENSEN CORPORATION by these presents does sell, assign, and transfer unto the said DOWNE COMMUNICATIONS, INC. the entire right, title, and interest in and to the said trademark and the registration thereof, No. 285,956, together with the goodwill of the business in connection with which the said mark is used, and all rights to recover for past infringement thereof.

JULES JURGENSEN CORPO

By Comette P. Hallandewall Pres.

Publi

STUART M. SIEGER Notary Fibility State of New York Qualified in New York County Commission Expires March 30, 1976

Notary

STATE OF NEW YORK ss.: COUNTY OF NEW YORK )

BEFORE me personally appeared Kenneth P. Hollundownth to me known and known to me to be the President of JULES JURGENSEN CORPORATION, described in the above Assignment, who signed the foregoing instrument in my presence and made oath before me that this is his full act and deed this 25th day of July, 1974.



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**Word Mark** 

JULES JURGENSEN

Goods and Services

(EXPIRED) IC 014. US 027. G & S: HOROLOGICAL INSTRUMENTS, NOT INCLUDING WATCH

SPRINGS, FIRST USE: 18350000, FIRST USE IN COMMERCE: 18350000

**Mark Drawing** 

Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes

(miscellaneous overall shape) Code

26.15.02 - Plain single or multiple line polygons; Polygons (plain, single line)

Serial Number 71279851

**Filing Date** 

February 25, 1929

**Current Filing** 

**Basis** 

1A:44E

Original Filing

**Basis** 

1A:44E

Registration

0285956

Number

Registration

Date

August 11, 1931

Owner

(REGISTRANT) ED. HEUER & CO. JULES JURGENSEN WATCH CO. COMPOSED OF CHARLES EDWARD HEUER, HUBERTHEUER, AND VVE MARIA HORTENSE IDA HEUER-BLOSCH,

CITIZENS OF THE REPUBLIC OF SWITZERLAND CORPORATION SWITZERLAND 6 RUE DES

VERGERS BIENNE SWITZERLAND

**Assignment** Recorded

ASSIGNMENT RECORDED

**Priority Date** 

September 22, 1923

Type of Mark

TRADEMARK

Register Affidavit Text

**PRINCIPAL** SECT 12C.

Renewal

2ND RENEWAL 19710811



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## **Typed Drawing**

**Word Mark** 

JULES JURGENSEN

Goods and **Services** 

(ABANDONED) IC 014. US 002 027 028 050. G & S: Wrist Watches, Clocks, Pens, Pencils, Desk

Accessories, Jewelry, FIRST USE: 19160701, FIRST USE IN COMMERCE: 19160701

Mark Drawing

Code

(1) TYPED DRAWING

Serial Number

76133266

Filing Date

August 31, 2000

**Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

**1A** 

**Owner** 

(APPLICANT) Jules Jurgensen/Rhapsody, Inc. CORPORATION PENNSYLVANIA 101 West City

Ave. Bala Cynwyd PENNSYLVANIA 19004

Attorney of

Record

Paul Maleson

Type of Mark

**TRADEMARK** 

Register

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**Abandonment** 

Date

October 5, 2001

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TDR

TTAB Status

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## JULES JURGENSEN

Word Mark

JULES JURGENSEN

**Goods and Services** 

IC 014. US 002 027 028 050. G & S: wrist watches. FIRST USE: 18350000. FIRST USE IN

COMMERCE: 18350000

**Standard Characters** 

Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

Filing Date

January 20, 2005

**Current Filing Basis** 

Original Filing Basis

**1A** 

Published for

Opposition

May 2, 2006

76628625

**Registration Number** Registration Date

3118852

Owner

July 25, 2006

(REGISTRANT) Jules Jurgensen/Rhapsody, Inc. CORPORATION PENNSYLVANIA 101 West City

Avenue Bala Cynwyd PENNSYLVANIA 19004

Attorney of Record

Paul Maleson

Type of Mark

TRADEMARK

Register

PRINCIPAL

Other Data

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living

individual.

Live/Dead Indicator

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#### **Typed Drawing**

Word Mark

URBAN JURGENSEN

Goods and

(CANCELLED) IC 014. US 027. G & S: wrist watches. FIRST USE: 19910507. FIRST USE IN

Services

COMMERCE: 19910507

Mark Drawing Code (1) TYPED DRAWING

Serial Number

74230739

**Filing Date** 

December 13, 1991

**Current Filing Basis 1A** 

Original Filing

**Basis** 

1A

Published for

Opposition

February 3, 1998

Registration

Number

2153240

Registration Date

April 28, 1998

Owner

(REGISTRANT) Jules Jurgensen/Rhapsody, Inc. CORPORATION PENNSYLVANIA 700

Chestnut Street Philadelphia PENNSYLVANIA 19106

Attorney of Record Paul Maleson

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator DEAD

**Cancellation Date** 

January 29, 2005

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**TARR Status ASSIGN Status** 

**TDR TTAB Status** 

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**Typed Drawing** 

Word Mark

**URBAN JURGENSEN** 

Goods and

(CANCELLED) IC 014. US 027. G & S: wrist watches. FIRST USE: 19910507. FIRST USE IN

Services

COMMERCE: 19910507 Mark Drawing Code (1) TYPED DRAWING

Serial Number

74230739

Filing Date

December 13, 1991

**Current Filing Basis 1A** 

**Original Filing** 

**Basis** 

**1A** 

**Published for** 

Opposition

February 3, 1998

Registration

Number

2153240

**Registration Date** 

April 28, 1998

Owner

(REGISTRANT) Jules Jurgensen/Rhapsody, Inc. CORPORATION PENNSYLVANIA 700

Chestnut Street Philadelphia PENNSYLVANIA 19106

Attorney of Record Paul Maleson

Type of Mark

TRADEMARK

**PRINCIPAL** 

Register

Live/Dead Indicator DEAD

**Cancellation Date** 

January 29, 2005

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**ASSIGN Status** TTAB Status TARR Status TOR ( Use the "Back" button of the Internet Browser to return to TESS)

# URBAN JURGENSEN

Word Mark

**URBAN JURGENSEN** 

Goods and

IC 014. US 002 027 028 050. G & S: watches and parts therefor. FIRST USE: 19740000. FIRST

Services

USE IN COMMERCE: 19740000

**Mark Drawing** 

Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Serial Number** 

76685220

Filing Date

December 26, 2007

**Current Filing** 

**Basis** 

1A

**Original Filing** 

**Basis** 

1A

Owner

(APPLICANT) Jules Jurgensen/Rhapsody, Inc. CORPORATION PENNSYLVANIA 101 West City

Avenue Bala Cynwyd PENNSYLVANIA 19004

Attorney of

Stuart E. Beck

Record Prior

3118852

Registrations

**Description of** 

Mark

Color is not claimed as a feature of the mark.

Type of Mark

**TRADEMARK** 

Register

**PRINCIPAL** 

Other Data

"URBAN JÜRGENSEN" is not the name of a living individual.

Live/Dead

LIVE

Indicator

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**PLAINTIFF'S EXHIBIT** 



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## **Trademarks > Trademark Electronic Search System (TESS)**

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## Record 1 out of 1

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TDR

TTAB Status

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# ÏRGENSEN

Word Mark

URBAN JÜRGENSEN

Goods and

**Services** 

IC 014. US 002 027 028 050. G & S: Precious metals and their alloys; goods made from or plated with precious metal, namely watches and watch bands; jewelry, precious stones; timepieces and chronometric instruments, namely chronometers; wristwatches; cases for clock and watch-

making; clock cabinets; movements for clocks and watches

Standard Characters Claimed

**Mark Drawing** Code

(4) STANDARD CHARACTER MARK

**Serial Number** 

79020243

**Filing Date** 

November 1, 2005

**Current Filing** 

**Basis** 

66A

**Original Filing** 

**Basis** 

66A

Published for

Opposition

September 19, 2006

Registration

Number

3181224

International

Registration

0794139

Number

Registration Date December 5, 2006

Owner

(REGISTRANT) Peter Baumberger INDIVIDUAL SWITZERLAND P. O. Box 7140 CH-2500

Biel/Bienne SWITZERLAND

Attorney of Record

Scott S. Havlick

Type of Mark

TRADEMARK

Register

**PRINCIPAL** 

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**ASSIGN Status** 

TDR

**TTAB Status** 

( Use the "Back" button of the Internet

Browser to return to TESS)

# **GENSEN**

Word Mark

URBAN JÜRGENSEN

Goods and Services

IC 014. US 002 027 028 050. G & S: Precious metals and their alloys; goods made from or plated with precious metal, namely watches and watch bands; jewelry, precious stones; timepieces and

chronometric instruments, namely chronometers; wristwatches; cases for clock and watchmaking; clock cabinets; movements for clocks and watches

Standard Characters Claimed

**Mark Drawing** 

Code

(4) STANDARD CHARACTER MARK

Serial Number

79020243

Filing Date

November 1, 2005

**Current Filing** 

**Basis** 

66A

**Original Filing** 

**Basis** 

66A

**Published for** 

Opposition

September 19, 2006

Registration Number

3181224

International

Registration Number

0794139

Registration Date December 5, 2006

Owner

(REGISTRANT) Peter Baumberger INDIVIDUAL SWITZERLAND P. O. Box 7140 CH-2500

Biel/Bienne SWITZERLAND

Attorney of

Record

Scott S. Havlick

Type of Mark

TRADEMARK **PRINCIPAL** 

Register

Live/Dead

Indicator

LIVE

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Paper No. 18 GDH/KRF

## U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

Jules Jurgensen/Rhapsody, Inc.

v.

Fabrica Di Orologi Sindaco S.A., Orologi "Jaguar" (Fabrique d'Horologerie Sindaco S.A., Montres "Jaguar") (Uhrenfabrik Sindaco A.G., "Jaguar" Uhren) and Peter Baumberger, joined as party defendant

Cancellation No. 21,824

Paul Maleson of Maleson, Rosenberg, Bilker & Farrell for Jules Jurgensen/Rhapsody, Inc.

Anne H. Peck of Cooley, Godward, Castro, Huddleson & Tatum for Fabrica Di Orologi Sindaco S.A., Orologi "Jaguar" (Fabrique d'Horologerie Sindaco S.A., Montres "Jaguar") (Uhrenfabrik Sindaco A.G., "Jaguar" Uhren) and Peter Baumberger.

Before Simms, Hohein and Hairston, Administrative Trademark Judges.

1/10

Opinion by Hohein, Administrative Trademark Judge:

Jules Jurgensen/Rhapsody, Inc. has petitioned to cancel the registration of the mark "URBAN" for "mechanical watches with manual or automatic winding, electrical and electronic watches, watch parts, movements, and dials; watch cases, diving watches,



[and] chronometers".¹ As the basis for cancellation, petitioner alleges that it is the owner of the mark "URBAN JURGENSEN" for wrist watches, having commenced use thereof in interstate commerce since at least as early as May 7, 1991; that petitioner, on December 13, 1991, filed its pending application, Ser. No. 74/230,739 to register such mark for wrist watches; that its application presently stands refused in view of the existence of the registration it seeks to cancel; and that "the registered trademark 'Urban' has been abandoned within the meaning of 15 USC 1064(3)" inasmuch as "[i]nquiry has indicated that registrant is not and has not been using the trademark 'Urban' in the United States for at least a period of time sufficient to constitute abandonment."

Peter Baumberger, who by certain assignments claims to be the present owner of the involved registration and accordingly was joined as the respondent in this proceeding pursuant to Fed. R. Civ. P. 19(a), has filed an answer denying the allegations of the petition for cancellation.<sup>2</sup>

The record consists of the pleadings; the file of the involved registration; and, as petitioner's case-in-chief, the testimony, with an exhibit, of the president of Regal Industries,

<sup>1</sup> Reg. No. 965,536, issued on August 7, 1973, based upon Swiss Reg. No. 255,118, dated September 22, 1971; renewed.

<sup>&</sup>lt;sup>2</sup> Although the answer also alleges, as "AFFIRMATIVE DEFENSES," that "the Petition for Cancellation is barred by the doctrines of estoppel, waiver, laches and acquiescence," these defenses were not properly pleaded, in that the factual grounds therefor were not set forth, nor did respondent offer any evidence with respect thereto at trial. Accordingly, such defenses will not be given further consideration.

David Popowich, and the testimony, with exhibits, of petitioner's president and chief executive officer, Morton Clayman. No testimony or other evidence was submitted by respondent, and only petitioner filed a brief. An oral hearing was not requested.

The issues to be determined are whether petitioner has proven its standing to bring this proceeding and whether it has demonstrated that the registered mark has been abandoned.

According to the testimony of the president of Regal Industries, David Popowich, such firm is a manufacturer and importer of watch bands. Regal Industries supplies watch bands to watch companies, watch importers and watch retailers. Except as a vendor, Regal Industries has no relationship with petitioner. Regal Industries' customer relationships as a vendor of watch bands extend to almost all companies in the watch business in the United States, including "[m]any" importers of watches into this country. (Popowich dep. at 7.)

Mr. Popowich, who claims that Regal Industries probably knows more about watch bands and the watch band industry, as it relates to watches and the resale of watch bands, than anyone 3//0 else in the United States, testified that he is familiar with the watch industry in the United States; that he attends conventions pertaining to the watch industry; that he "very closely" follows the watch industry trade literature (id. at 8); that he is familiar with advertising done in the United States for watches; and that he routinely looks at watch catalogs. Based upon his careful attention to the foregoing sources of information for at least 30 years and the fact that his company is a major supplier

of watch bands in the United States, Mr. Popowich further testified as follows:

- Q. Have you ever seen a watch in the United States with the trademark Urban on it?
- A. No.
- Q. Let me ask it in even more detail. Have you ever seen a watch with the trademark Urban on it at a convention?
- A. Never.
- Q. Has anybody ever approached you for a business relationship regarding such a watch?
- A. Never.
- Q. Have you ever seen an advertisement for a watch with the trademark Urban on it?
- A. Never.
- Q. Or a catalogue entry?
- A. Never.

#### (Id. at 9-10.)

"URBAN" brand watch could also be for sale in the jewelry department of discount stores, he noted that he frequents such stores "on a regular basis just to see what is happening with watches and watch bands in these stores" and that, as is the case with his knowledge of brands brought into the United States by watch importers, he has never encountered a watch with the mark "URBAN" on it. (Id. at 10.) Moreover, Mr. Popowich insisted, in this regard, that "[i]f it was brought in in any significant numbers, yes, I think I would have known about it." (Id. at 11.)

By contrast, Mr. Popowich stated that he has heard of sales of petitioner's "URBAN JURGENSEN" watches and, in fact, knows that petitioner is the source thereof.

Petitioner's president and chief executive officer, Morton Clayman, indicated that petitioner has made continuous and increasing sales of its "URBAN JURGENSEN" watches in interstate commerce since May 1991.3 According to Mr. Clayman, he has been in the watch business since 1957 and has been actively involved in the American watch business for approximately 30 years. Mr. Clayman purchased petitioner in 1974. Petitioner offers and advertises its watches, including those sold under the "URBAN JURGENSEN" mark, through its catalogs, which it distributes to jewelry retailers, including such major mass merchandisers as Montgomery Ward, K Mart, Service Merchandise, Best Products and J. C. Penney. Petitioner also publishes and distributes to its customers a booklet entitled "The Jules Jurgensen Story," which explains, among other things, that the brothers Urban and Jules Jurgensen were 18th century Danish watchmakers whose names are used by petitioner as marks for two of its lines of watches.

5/10

Like Mr. Popowich, Mr. Clayton is familiar with the watch industry in the United States; he attends conventions relating to the watch trade in the United States, Hong Kong and Switzerland and has done so for 25 to 30 years; and he is familiar with trade literature, catalogs and other material

<sup>&</sup>lt;sup>3</sup> Invoices documenting representative sales of petitioner's "URBAN JURGENSEN" watches in 1993 and 1994 were also introduced.

produced by those who sell watches. Yet, despite the knowledge and experience gained as the result of at least 30-years of active involvement in the watch business, Mr. Clayton stated that he has never seen a watch in the United States with the name "URBAN" used thereon as a mark. Specifically, Mr. Clayton testified that:

- Q. In all of those years of your active participation in the watch business and your involvement in it, have you ever seen, in the United States, a watch with the name Urban on it as a trademark?
- A. Absolutely not.
- Q. Have you ever seen any printed or written material or advertisement material or a catalogue in the United States showing a watch with the trademark Urban on it?
- A. No.
- Q. Have you ever seen what I will call an Urban watch or an Urban advertisement anywhere in the world in any language at any time?
- A. Absolutely not. I've been in Switzerland and Hong Kong, all of the shows. I've gone around to all of the shows. I've talked to people. I know everybody in the industry. They know me, and I have never heard of an Urban watch.
- 6/10

- Q. You talk to people in the industry, you say?
- A. Yes.
- Q. You chat with them and discuss business with them?
- A. Yes.

- Q. Is it fair to say that if there had been a watch with the brand or trademark Urban on it that was sold or on sale or being promoted in the United States in any significant way, you would have been aware of it?
- A. Absolutely.
- Q. But even in a non-significant way, you never saw or heard of one?
- A. Never saw one.

Mr. Clayman also indicated that he asked petitioner's counsel to file an application for federal registration of petitioner's "URBAN JURGENSEN" mark for watches. However, in view of respondent's involved registration, Mr. Clayton was advised by petitioner's counsel that petitioner's application to register its mark was being held up.

Turning, therefore, to the issues herein, Mr. Clayton's testimony is sufficient to demonstrate that petitioner has a real commercial interest in this proceeding and thus has standing to seek cancellation of respondent's involved registration. In particular, petitioner's proof, through the testimony of Mr. Clayton, that it has filed an application for federal registration of its "URBAN JURGENSEN" mark for watches which has been refused registration in light of the existence of respondent's registration for the mark "URBAN" for watches and their components establishes petitioner's standing herein. See Lipton Industries, Inc. v. Ralston Purina Co., 670 F.2d 1024, 213 USPQ 185, 189 (CCPA 1982).

With respect to the issue of whether the registered mark has been abandoned, Section 45 of the Trademark Act

provides, in relevant part, that "[a] mark shall be deemed to be 'abandoned' when ... the following occurs:"4

(1) When its use has been discontinued with intent not to resume such use. Intent not to resume use may be inferred from circumstances. Nonuse for two consecutive years shall be prima facie evidence of abandonment. "Use" of a mark means the bona fide use of that mark made in the ordinary course of trade and not made merely to reserve a right in a mark.

It is settled that "[a]bandonment, being in the nature of a forfeiture, must be strictly proved." Wallpaper Manufacturers, Ltd. v. Crown Wallcovering Corp., 680 F.2d 755, 214 USPQ 327, 332 (CCPA 1982). Moreover, it is petitioner who bears the ultimate burden of proof of abandonment by a preponderance of the evidence. See Cerveceria Centroamericana S.A. v. Cerveceria India Inc., 892 F.2d 1021, 13 USPQ2d 1307, 1309 (Fed. Cir. 1989). Thus, for instance, it is petitioner who bears the burden of establishing a prima facie case of abandonment on the basis of nonuse of the "URBAN" mark by respondent for a period of at least two consecutive years and, only upon such a showing, does the burden of persuasion shift to respondent to come forward with evidence to disprove the presumption of abandonment. Id. at 1312.

<sup>&</sup>lt;sup>4</sup> While we note that, as of January 1, 1996, Section 45 of the Trademark Act was amended to provide that a period of three consecutive years of nonuse, instead of a two-year period, constitutes prima facie abandonment, we have applied the two-year standard, since these proceedings were commenced on May 7, 1993, so as not to give retroactive effect to the statutory amendment. See Clairol Inc. v. Compagnie D'Editions et de Propagande du Journal La Vie Claire-Cevic, 24 USPQ2d 1224, 1226 (TTAB 1992).

In the present case, we find that petitioner has satisfied its burden of proof. The testimony presented by petitioner of two individuals, each of whom has 30 years of knowledge and experience in the watch and related watch band industries, respectively, that at all times relevant herein, neither has ever encountered a watch or trade literature in the United States which bears the mark "URBAN" is sufficient to establish a prima facie case of abandonment of such mark, through a showing of at least two consecutive years of nonuse, and to shift to respondent the burden of coming forward with evidence to disprove the statutory presumption of abandonment. Respondent, however, offered nothing to explain or refute the observations by two knowledgeable and experienced individuals who have long been familiar with, respectively, all aspects of the watch and watch band industries in this country and who have never seen or heard of any use of the mark "URBAN" for watches.

Decision: The petition for cancellation is granted and Reg. No. 965,536 will be canceled in due course.

- R. L. Simms
- G. D. Hohein
- P. T. Hairston Administrative Trademark Judges, Trademark Trial and Appeal Board

Cancellation No. 21,824



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#### TTABVUE. Trademark Trial and Appeal Board Inquiry System

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#### Cancellation

Number: 92021824

Filing Date: 05/07/1993

**Status:** Terminated

**Status Date:** 04/17/1998

Interlocutory Attorney: GERARD F ROGERS

**Defendant** 

FABRICA DI OROLOGI SINDACO S.A., OROLOGI

Name: "JAQUAR" (FABRIQUE D'HORLOGERIE SINDACO S.A., MONTRES

"JAQUAR" UHREN)

Correspondence: ANNE H. PECK

COOLEY, GODWARD, CASTRO,

**HUDDELSON & TATUM 5 PALO ALTO SQUARE** 

PALO ALTO, CA 94306

Serial #: 72437028

Application File

Registration #: 965536

Application Status: Cancelled - Section 18

Mark: URBAN

**Plaintiff** 

Name: JULES JURGENSEN/RHAPSODY, INC.

Correspondence: PAUL MALESON

1407 LEWIS TOWER BUILDING PHILADELPHIA, PA 19102

Serial #: 74230739 Application File Registration #: 2153240

Application Status: Cancelled - Section 8

Mark: URBAN JURGENSEN

**Prosecution History** 

**History Text** # Date

**Due Date** 

22 04/17/1998 TERMINATED

21 04/17/1998 COMMR'S ORDER CANCELLING REGISTRATION

20 08/13/1997 BOARD'S DECISION: GRANTED

19 02/26/1997 SUBMITTED ON BRIEF

18 12/05/1996 PL'S NOTICE OF ERRATA RE: BRIEF

17 11/26/1996 PL'S BRIEF 3-T-C

16 10/17/1996 PL'S MOT TO REOPEN GRTD AS UNCONTESTED; PL HAS 40 & DEF HAS

70 DYS TO FILE BRIEF

15 07/31/1996 PL'S MOTION TO REOPEN TIME

14 06/24/1996 PL'S HAS 20 DAYS TO SHOW CAUSE

13 08/15/1994 TESTIMONY FOR PLAINTIFF

12 08/15/1994 PLAINTIFF'S NOTICE OF TAKING DEPOSITION

11 07/15/1994 PL'S AMENDED NOT. OF TAKING OF DEPOSIOTI ON

10 07/12/1994 PL'S NOT. OF TAKING OF DEPOSITION

9 07/15/1994 TRIAL DATES SET

8 06/14/1994 P'S MOT FOR EXTEN. OF TIME W/ CONSENT



- 7 02/24/1994 EXT APP; ANSWER ACCEPTED; TRIAL DATES SET
- 6 12/03/1993 PLAINTIFF'S REPLY TO ANSWER
- 5 11/08/1993 ANSWER
- 4 10/08/1993 D'S MOT FOR EXTEN. OF TIME W/ CONSENT
- 3 08/30/1993 PENDING, INSTITUTED
- 2 08/30/1993 NOTICE SENT; ANSWER DUE (DUE DATE)

10/11/1993

1 05/07/1993 FILED AND FEE

Results	as of	03/10/2	2009	02:30	PM
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## IN THE UNITED STATES PATENT AND MARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JULES JURGENSEN/RHAPSODY, INC.:

Cancellation No. 92-048,667

Petitioner

Registration No. 3,181,224

V.

Mark: URBAN JÜRGENSEN

:

PETER BAUMBERGER

Respondent

#### NOTICE OF TESTIMONY DEPOSITION

Andrea Anderson, Esquire Holland & Hart One Boulder 1800 Broadway, Suite 300 Boulder, CO 80302

PLEASE TAKE NOTICE that on Wednesday, March 18, 2009, Petitioner, Jules Jurgensen/Rhapsody, Inc., will take the testimony deposition upon oral examination of Morton Clayman at the offices of Jules Jurgensen/Rhapsody, Inc., 101 West City Line Avenue, Bala Cynwyd, PA 19004 at 10:00AM before an officer authorized to administer oaths.

The deposition shall continue from day to day until completed.

You are invited to attend and cross-examine.

